United Nations S/2008/446

Security Council

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Letter dated 7 July 2008 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I have the honour to forward a letter addressed to you by the President of Eritrea, Isaias Afwerki, dated 3 July 2008, regarding the situation between Eritrea and Ethiopia and the issue of Djibouti (see annex).

I would be most grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

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Annex to the letter dated 7 July 2008 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I kindly request you to circulate this letter, which my Government is also submitting for the record, to all members of the Security Council.

For the past six years since the Eritrea-Ethiopia Boundary Commission rendered its final and binding award in accordance with the provisions of the Algiers Agreement, the Security Council has continued to shirk its responsibilities. This regrettable position occurred as a result of incessant pressure and meddling by the United States Administration. This has in turn led to an accumulation and aggravation of a dangerous situation that is posing a grave threat to regional peace and stability.

The failure of the Security Council to heed Eritrea's continuous appeals and to take appropriate action against the Addis Ababa regime for its occupation, with the tacit support of its backers, of our sovereign territories in violation of the peace agreement, the rule of law and established norms of international behaviour has indeed encouraged the latter to indulge in graver acts. Thus, in mid-April this year, the Addis Ababa regime invaded Mount Musa Ali, which lies at the confluence of the borders of the three countries, thereby occupying sovereign Eritrean and Djiboutian lands.

The Security Council has not to date taken any remedial action against Ethiopia's flagrant act of aggression.

On the contrary, the Security Council chose to issue, again under the prodding of the United States, an unwarranted presidential statement (S/PRST/2008/20) against Eritrea on the basis of a bogus and much dramatized accusation that we are told was lodged by the Government of Djibouti. This whole affair was in fact deliberately concocted to cover up Ethiopia's acts of aggression and repeated violations and deflect public attention.

Eritrea may not be surprised but it is extremely saddened by this patently unjustifiable presidential statement of 12 June 2008.

Eritrea's decision to persist in its legal approach to secure respect of its sovereignty and territorial integrity as a whole and not single out, or treat as a special case, Ethiopia's recent occupation of Musa Ali should have been appreciated indeed. While this remains our basic approach, Ethiopia's new and provocative flouting of international law nonetheless constitutes another grim reminder to the Security Council to shoulder its legal responsibilities.

In conclusion, I hope that our repeated calls, for the sake of legality and justice, to the Security Council, which remains unfortunately dominated by a power hostile to Eritrea, will not be interpreted as futile or naive.

(*Signed*) Isaias **Afwerki**

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Security Council

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Australia, Belgium, Canada, Croatia, France, Italy, Liberia, Netherlands, New Zealand, Sierra Leone, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Affirming its commitment to the independence and territorial integrity of Zimbabwe,

Reaffirming the statement of its President of 23 June 2008 concerning the situation in Zimbabwe (S/PRST/2008/23),

Reaffirming the 2005 World Summit Outcome Document that acknowledges that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well being, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Recalling the African Union resolution on Zimbabwe of 1 July 2008 which expressed its concern with the loss of life and violence in Zimbabwe, the need to prevent a worsening of the situation to avoid the spread of the conflict across the subregion, the need to create an environment conducive for democracy, and which encouraged Zimbabwean leaders to initiate dialogue with a view to promoting peace, stability, democracy and reconciliation,

Recalling the statements of the Southern African Development Community, Pan-African Parliament, and African Union Observer missions to Zimbabwe on 29 June 2008, which found that the elections fell short of accepted African Union standards, did not give rise to free, fair or credible elections, and did not reflect the will of the Zimbabwean people,

Expressing strong concern at the irregularities during the 27 June Presidential election, the violence and intimidation perpetrated in the run up to the election that made impossible the holding of free and fair elections, and the creation of an environment that did not permit international election observers to operate freely before and during the 27 June vote,

Expressing strong concern over the grave humanitarian situation in Zimbabwe which has been exacerbated by the Government of Zimbabwe's misuse of food aid as a political tool and its suspension of humanitarian relief programmes, conducted by international and non-governmental organizations, and that this suspension is

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depriving the Zimbabwean people, in particular vulnerable people, including those displaced by violence and women, children and orphans, of basic humanitarian assistance,

Condemning the violence and loss of life that has caused the displacement of thousands of Zimbabweans, many of whom have been driven to take refuge in neighbouring countries,

Condemning also the arbitrary arrests, restrictions on the right of assembly, seizure of vehicles, threats, intimidation and violence directed against supporters of the opposition political party, as well as the repeated detention of its leaders,

Taking note of the statements and expressions of concern by African regional organizations and current and former Heads of State about the impact of the situation in Zimbabwe on the stability of the wider region, and expressing its grave concern over that impact,

Recognizing that the destabilizing impact of the situation in Zimbabwe on the wider region is reflected in the burden placed on States in the region by the presence of Zimbabwean economic migrants and refugees,

Recalling its resolution 1809 (2008) on Peace and Security in Africa, and reaffirming its support for Southern African Development Community and African Union efforts to resolve the crisis in Zimbabwe in such a way that reflects the will of the Zimbabwean people as expressed in the 29 March elections, and calling on the Government of Zimbabwe to cooperate with these efforts,

Reaffirming its support for the good offices mission of the Secretary-General, led by Assistant Secretary-General Haile Menkerios, and expressing strong support for the continuing efforts of the Secretary-General and his representatives,

Urging all parties to immediately take the necessary steps to prevent and put an end to abuses of human rights and *underlining* that those responsible for such abuses should be held accountable,

Determining that the situation in Zimbabwe poses a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Condemns* the Government of Zimbabwe's campaign of violence against the political opposition and the civilian population, which has resulted in scores of deaths, thousands of injuries, and displacement of thousands of civilians, making it impossible for a free and fair election to occur, and expresses strong concern with the decision of the Government of Zimbabwe to go forward with the 27 June elections;

2. *Demands* that the Government of Zimbabwe:

(a) Immediately cease attacks against and intimidation of opposition members and supporters, including those by non-government agents affiliated with the ZANU-PF party, and in particular end the abuse of human rights, including widespread beatings, torture, killings, sexual violence, and displacement, and release all political prisoners;

(b) Begin without delay a substantive and inclusive political dialogue between the parties with the aim of arriving at a peaceful solution that reflects the will of the Zimbabwean people and respects the results of the 29 March elections;

(c) Accept the good offices offered by the African Union, the Southern African Development Community, and the Secretary-General, giving such representatives full access to the country, security, and all requested authority over negotiation processes;

(d) Cooperate fully with investigations of the political violence experienced by the country between March and June 2008 and hold accountable those who have carried out abuses of human rights;

(e) End immediately all restrictions on international humanitarian assistance and support international aid organizations' access to all parts of the country for distribution of food, medical assistance, and other humanitarian aid;

3. *Requests* the Secretary-General to appoint as soon as possible an individual of international standing and expertise to serve as his Special Representative on the situation in Zimbabwe who would:

(a) Support the negotiation process between the political parties in Zimbabwe;

(b) Report to the Council on the political, humanitarian, human rights and security situation in Zimbabwe;

4. *Decides* that all Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer to Zimbabwe, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of arms or related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned;

5. *Decides also* that all Member States shall also take the necessary measures to prevent any provision to Zimbabwe by their nationals or from their territories of technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services, related to the supply, sale, transfer, manufacture or use of the items specified in paragraph 4 above;

6. *Decides further* that the measures imposed by paragraphs 4 and 5 above shall not apply to:

(a) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training; and

(b) Supplies of protective clothing, including flak jackets and military helmets, for the personal use of United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel;

7. *Decides* that all States shall take the following measures with respect to individuals and entities designated in the Annex to this resolution or designated by the Committee established pursuant to paragraph 10 below ("the Committee") as having engaged in or provided support for actions or policies to subvert democratic processes or institutions in Zimbabwe since May 2005, including having ordered,

planned, or participated in acts of politically motivated violence, or as providing support to individuals or entities designated pursuant to this paragraph:

(a) Prevent the entry into or transit through their territories of these individuals, provided that nothing in this paragraph shall obligate a State to refuse entry into or require departure from its territory of its own nationals;

(b) Freeze without delay all funds, other financial assets and economic resources that are in their territories on the date of adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by these individuals or entities, or by individuals or entities acting on their behalf or at their direction, and ensure that no funds, other financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such individuals or entities;

8. *Decides* that the measures imposed by paragraph 7 (a) above do not apply where the Committee determines on a case-by-case basis that such travel is justified on the ground of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would otherwise further the objectives of this resolution;

9. *Decides* that the measures imposed by paragraph 7 (b) of this resolution do not apply to funds, other financial assets or economic resources that have been determined by relevant States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within three working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) To be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, or other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee pursuant to paragraph 7 above, and has been notified by the relevant States to the Committee;

10. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks:

(a) To seek from all States, in particular those in the region, information regarding the actions taken by them to implement effectively the measures referred to in paragraphs 4, 5 and 7 of this resolution and whatever further information it may consider useful in this regard;

(b) To examine and take appropriate action on information regarding alleged violations of measures imposed by paragraphs 4, 5 and 7 of this resolution;

(c) To designate individuals and entities subject to the measures imposed by paragraph 7 of this resolution;

(d) To consider and decide upon requests for exemptions set out in paragraphs 8 and 9 of this resolution;

(e) To establish guidelines as may be necessary to facilitate the implementation of the measures imposed by this resolution;

(f) To report at least every 90 days to the Security Council on its work and on the implementation of this resolution, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed in this resolution;

(g) To assess reports from the Panel of Experts established pursuant to paragraph 11 below, and from Member States on specific steps they are taking to implement the measures imposed by paragraphs 4, 5 and 7 above;

(h) To encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;

11. *Requests* the Secretary-General to establish, within 30 days of the adoption of this resolution, in consultation with the Committee, for a period of twelve months a Panel of Experts comprised of four members with the range of expertise necessary to fulfil the Panel's mandate described in this paragraph, to operate under the direction of the Committee to undertake the following tasks:

(a) To assist the Committee in monitoring implementation of the measures in paragraphs 4, 5 and 7 of this resolution, and to make recommendations to the Committee on actions the Council may want to consider; and

(b) To provide a midterm briefing on its work to the Committee, and an interim report no later than 90 days after adoption of this resolution, and a final report no later than 30 days prior to the termination of its mandate to the Council through the Committee with its finding and recommendations;

12. *Expresses* its readiness to review the measures imposed in paragraphs 4, 5, and 7 of this resolution in 12 months following the date of adoption of this resolution or sooner if before such time an inclusive political settlement is agreed, which respects the will of the Zimbabwean people and the results of the 29 March 2008 elections;

13. *Requests* the Secretary-General to submit a report to the Council regarding the situation in Zimbabwe, whether the Government of Zimbabwe has complied with the demands in paragraph 2 above, and what additional measures may contribute to improving the security, humanitarian, and human rights situation in Zimbabwe;

14. *Decides* that all States shall report to the Committee established by the Council within 90 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively the measures imposed in paragraphs 4, 5 and 7 above;

15. *Decides* to remain seized of the matter.

Annex

1. Mugabe, Robert
(Member/Head of Government responsible for activities that seriously undermine democracy, repress human rights and disrespect the rule of law)

2. Chiwenga, Constantine
(Member of security forces who directed repressive State policy and has committed human rights abuses)

3. Mnangagwa, Emmerson
(Member of Government responsible for activities that seriously undermine democracy, repress human rights and disrespect the rule of law)

4. Gono, Gideon
(Reserve Bank Governor who is responsible for funding repressive State policies)

5. Chihuri, Augustine
(Member of security forces who bears wide responsibility for serious violations of the freedom of peaceful assembly)

6. Chinamasa, Patrick
(Member of Government responsible for activities that seriously undermine democracy, repress human rights and disrespect the rule of law)

7. Shiri, Perence
(Member of security forces complicit in forming or directing oppressive State policy)

8. Parirenyatwa, David
(Member of Government responsible for activities that seriously undermine democracy, repress human rights and disrespect the rule of law)

9. Mutasa, Didymus
(Member of Government responsible for activities that seriously undermine democracy, repress human rights and disrespect the rule of law)

10. Charamba, George
(Member of Government complicit in forming or directing oppressive State policy)

11. Zimondi, Paradzi
(Member of security forces complicit in forming oppressive State policy)

12. Bonyongwe, Happyton
(Member of security forces complicit in forming or directing oppressive State policy)

13. Sekeremayi, Sydney Tigere
(Member of Government complicit in forming or directing oppressive State policy)

14. Made, Joseph Mtakwese
(Member of Government complicit in forming or directing oppressive State policy)

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Security Council

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General Assembly
Sixty-second session
Agenda item 83
Diplomatic protection

Security Council
Sixty-third year

Letter dated 7 July 2008 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I wish to bring the following to your attention.

As you are aware, on 5 July 1982, during the invasion of Lebanon and the occupation of Beirut by the Israeli regime, three members of the staff of the Embassy of the Islamic Republic of Iran in Beirut, namely Seyyed Mohsen Mousavi (Chargé d'affaires of the Embassy), Ahmad Motevaselian (Military Attaché of the Embassy) and Taghi Rastegar Moghadam (a technician from the Embassy), as well as an Iranian journalist, Kazem Akhavan from the Islamic Republic News Agency, were abducted in Lebanon while returning, by a diplomatic vehicle, from Syria to the Embassy of the Islamic Republic of Iran in west Beirut.

While travelling on the coastal road between Tripoli and Beirut, the said Iranian officials were stopped and detained, at Barbareh checkpoint in Madfoon area, 40 km north of Beirut, in violation of the most basic provisions governing diplomatic immunities and in flagrant contempt of the most fundamental principles of international law, by Christian paramilitary forces named Lebanese Forces (Alghovat-Al-Lobnanieh) who were then under the control and command of the Israeli regime's army. .

There are various news reports and numerous signs well indicating that the said Iranian officials were immediately handed over to the Israeli military forces after their abduction, as Beirut was occupied by the Israeli regime at the time. They were subsequently taken to Israeli prisons and have been since then under the captivity of the Israeli regime. This illegal and inhumane act is against the fundamental international rules and principles, and also contravenes numerous United Nations resolutions, including resolutions in which the General Assembly, inter alia, "strongly condemns acts of violence against diplomatic and consular missions and representatives" and emphasizes that such acts can never be justified, and "urges States to take all appropriate measures at the national and international levels to prevent any acts of violence against the missions, representatives and

officials, including during a period of armed conflict", and also "urges all States to ensure that such acts of violence are fully investigated with a view to bringing offenders to justice".

The Government of the Islamic Republic of Iran is of the strong view and belief that the Israeli regime is responsible for this abduction and for the fate of the said Iranian diplomats and journalist. No credible piece of evidence has ever been presented to indicate the martyrdom of the said Iranian officials to date. To the contrary, various evidences, including the assertions by some of those who have been in Israeli prisons or have visited the said prisons suggest that they are still alive and are in the hands of the Israeli regime.

Twenty-six long years have passed since this outrageous abduction. And throughout all these years, and in the absence of any meaningful action by the United Nations to secure their release, the said Iranian diplomats and journalist have been languishing in Israeli prisons, and their families have been enduring enormous pain and suffering in anguish and disillusionment. We expect the United Nations to address this grave illegal act that undermines some of the most basic principles on which international relations are based and operate. The Islamic Republic of Iran calls upon the Security Council and the Secretary-General to live up to their responsibilities under the United Nations Charter without further delay by reacting to the illegal abduction and continued unlawful detention of the Iranian diplomats and journalist by the Israeli regime, and by helping to secure their safe and immediate release.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 83, and of the Security Council.

(*Signed*) Mohammad **Khazaee**
Ambassador
Permanent Representative

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General Assembly
Sixty-second session
Agenda items 14, 17, 18, 32, 33, 41, 42, 43, 47, 48, 49, 50, 52, 53, 54, 56, 58, 59, 62, 64, 69, 70, 71, 85, 86, 87, 98, 99, 100, 104, 108, 116, 121 and 123

Prevention of armed conflict

The situation in the Middle East

Question of Palestine

United Nations Relief and Works Agency for Palestine Refugees in the Near East

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Report of the Economic and Social Council

2001-2010: Decade to Roll Back Malaria in Developing Countries, Particularly in Africa

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Culture of peace

The role of the United Nations in promoting a new global human order

Macroeconomic policy questions

Follow-up to and implementation of the outcome of the International Conference on Financing for Development

Security Council
Sixty-third year

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Sustainable development

Globalization and interdependence

Eradication of poverty and other development issues

Operational activities for development

Social development

New Partnership for Africa's Development: progress in implementation and international support

Right of peoples to self-determination

Promotion and protection of human rights

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The rule of law at the national and international levels

Report of the International Atomic Energy Agency

General and complete disarmament

Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly

Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session

Comprehensive Nuclear-Test-Ban Treaty

Measures to eliminate international terrorism

Follow-up to the outcome of the Millennium Summit

Revitalization of the work of the General Assembly

Strengthening of the United Nations system

Letter dated 8 July 2008 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

In my capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement, I have the honour to enclose herewith the letter from H.E. Felipe Pérez Roque, Minister for Foreign Affairs of Cuba, on behalf of the Non-Aligned Movement, to H.E. Masahiko Koumura, Minister for Foreign Affairs of Japan, in his capacity as Chair of the Group of Eight Industrialized Countries (G8), on the occasion of the 34th Summit of the aforesaid group (see annex).

This letter conveys to the presidency of the Group of Eight Industrialized Countries and to the rest of the leaders of the G8, the viewpoints and positions of the Non-Aligned Movement on issues of particular relevance and priority to its membership, including those to be raised right at the 34th Summit that is taking place in Hokkaido Toyako, Japan.

I kindly request that the enclosed document be circulated as a document of the sixty-second session of the General Assembly, under agenda items 14, 17, 18, 32, 33, 41, 42, 43, 47, 48, 49, 50, 52, 53, 54, 56, 58, 59, 62, 64, 69, 70, 71, 85, 86, 87, 98, 99, 100, 104, 108, 116, 121 and 123, and of the Security Council.

(*Signed*) Rodrigo **Malmierca Díaz**
Permanent Representative of Cuba to the United Nations
Chair of the Coordinating Bureau of the Non-Aligned Movement

Annex to the letter dated 8 July 2008 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

[Original: English and Spanish]

Havana, 1 July 2008

Following the practice established several years ago by the Non-Aligned Movement (NAM), I address this letter to you in my capacity as Chair of this grouping and on behalf of the 118 countries comprising it. First of all, I wish to congratulate you on your assumption of the chairmanship of the Group of Eight Industrialized Countries (G8) and make my best wishes for a successful 34th Summit in Hokkaido Toyako, Japan.

I have the honour to convey to you, and through you to the rest of the leaders of the G8, the viewpoints and positions of NAM on issues of particular relevance and priority for its members, especially those that will be addressed at the 34th G8 Summit. Previous NAM messages to past G8 Summits, along with position papers officially submitted by NAM to the United Nations General Assembly comprise the catalogue of positions of our countries vis-à-vis priority issues on the international agenda.

At the XIV Summit of the Non-Aligned Movement held in Havana, Cuba, in September 2006, the leaders of the non-aligned countries decided to create, expand and deepen more dynamic relations and cooperation with the developed and industrialized countries, particularly with the G-8. The Summit in Havana underscored that such cooperation must be profoundly based on mutual respect and benefits, shared and differentiated responsibility, constructive commitment and dialogue, broad-based partnership and real interdependency, with a view to drafting responses or initiatives on world issues and facilitating greater understanding between the North and the South.

The objective is to ensure that the opinions of the developing countries are fully heeded before the developed countries make decisions on matters affecting the countries of the South and the international community as a whole. It is for these reasons that I address this letter to you, in your capacity as the representative of the country chairing the Group of Eight, in the hope that the views and concerns of NAM are duly taken into account by the leaders of G8 in the Hokkaido Toyako Summit.

We are aware that during the Japanese chair of the G8, your country intends to expand and promote concrete initiatives relative to issues of particular relevance on the international agenda, as the environment and the Cool Earth 50, an initiative by Japan to establish an effective framework beyond 2012, taking into consideration compatibility between environment protection and economic growth; the promotion of efforts by the international community towards achieving the MDGs, focusing on health, water and education; sustainable development of the world economy, investments, trade, strengthening intellectual property, access to raw materials and Africa's economic development; among other issues of great interest and priority for NAM.

In assessing the international situation, the Movement believes that the current world scenario poses great challenges in the fields of peace and security, economic development and social progress, human rights and the rule of law. That underpins the renewal of the

international community's commitment to the ratification and defense of the purposes and principles enshrined in the Charter of the United Nations and the principles of International Law.

Among others, these include the ongoing lack of resources and the underdevelopment of most of the world, the lack of cooperation and the coercive and unilateral measures imposed by some developed countries, the excessive influence exerted by the rich countries in determining the nature, direction and rules of international relations, including economic and trading relations, many of which are put in place at the expense of developing countries.

Underdevelopment, poverty, hunger and marginalization have been further aggravated as a result of the ongoing process of globalization, worsening the structural imbalances and the inequities that affect the international economic order. The security and well-being of our nations are confronted with unprecedented challenges.

There is also a great deal of concern about the recent use of unilateralism and the measures imposed on a unilateral basis, which undermine the Charter of the United Nations and International Law. Therefore, the Movement has reiterated its commitment to the promotion, preservation and strengthening of multilateralism and the multilateral decision-making process under the auspices of the United Nations, with strict adherence to its Charter and to International Law, in order to build a just and equitable world order and world democratic governance, and not one based on the monopoly of a handful of wealthy nations.

To the Movement, its founding principles retain their full validity. There is a need to promote the goal of creating a multipolar world order, based on respect for the application of the principles of International Law and the UN Charter and the reinforcement of multilateralism. To that end, the Movement has set as objectives to defend peace and security and settle all international disputes by peaceful means; to promote and encourage sustainable development through international cooperation and, to that end, jointly coordinate the implementation of political strategies which strengthen and ensure the full participation of all countries, rich and poor, in the international economic relations, under equal conditions and opportunities but with differentiated responsibilities.

As basic principles, it is fundamental to ensure respect for sovereignty, sovereign equality and territorial integrity of all States; respect for the equality of rights of States, including the inalienable right of each State to determine freely its political, social, economic and cultural system, without any kind of interference whatsoever from any other State; No State or group of States has the right to intervene either directly or indirectly, whatever the motive, in the internal affairs of any other State; Rejection of unconstitutional change of Governments, Rejection of attempts at regime change and Condemnation of the use of mercenaries in all situations, especially in conflict situations; Refraining by all countries from exerting pressure or coercion on other countries, including resorting to aggression or other acts involving the use of direct or indirect force, and the application and/or promotion of any coercive unilateral measure that goes against International Law.

The global food crisis compounded and reinforced as it is by the global financial crisis, the global energy crisis and the global climate crisis, is a major multi-dimensional challenge for development and the achievement of several of the millennium development goals.

The international community must continue to support the efforts of the developing countries aimed at integrating the principles of sustainable development into their national development strategies. We are pleased that one of the priorities of the German Presidency of the G-8 is the issue of climate change and energy efficiency.

The NAM emphasizes the need to undertake actions and adopt concrete measures at all levels in order to ensure the full implementation of Program 21 and the Johannesburg Implementation Program, in conformity with the principle of common but differentiated responsibilities outlined in Principle 7 of the Rio Declaration on the Environment and Development.

It is imperative to honor the commitments entered into at the international level to face environmental deterioration. The most recent scientific testimonies confirm that the future of our planet is threatened and bound to endure serious catastrophes on account of the effects of global climate change. There is no question that the main effect would be on the populations of the developing countries, which lack the necessary physical infrastructure and resources to cope with the impact of those real and increasingly closer dangers.

All States, particularly the industrialized nations, must take the necessary measures to reduce, in the agreed terms, their levels of emissions of greenhouse gases, responsible for the accelerated global warming. The initiatives aimed at transferring the burden of reduction from the developed countries to the developing nations would entail an evasion of international commitments and disregard for the principle of common but differentiated responsibility.

Developing countries are being forced to choose between biodiversity protection and the sustainability of their agricultural and by extension, their economic development. What is frequently overlooked is the sober realization that agricultural reform in the majority of developing countries is not profit driven: it is foremost a question of survival. Over the past twelve months, global food prices have soared 40 percent, while food reserves are at 30-year lows. Linkages between biodiversity and climate change, fighting hunger and food production are crucial to achieving both the 2010 target and the MDGs.

We observe as a positive step the decision of the G8 environment ministers at their Kobe meeting, where they adopted, for the first time, a call for action for biodiversity and for making it a key item on the agenda of the upcoming G8 Summit. The Kobe Call for Action for Biodiversity includes a road map for achieving the 2010 Target. It is vital that we work in the framework of truthful and genuine international multilateral cooperation, based on the principles of solidarity, complementation and mutual benefits.

On the issue of energy, the NAM highlights the urgency of diversifying the supply of energy by developing advanced technologies that contribute less contamination and are more efficient, accessible and cost-effective, particularly those technologies for the utilization of fossil fuels and renewable energy sources, including hydroelectric energy, transferring them to the developing countries under mutually agreed favorable conditions, including concessionary and preferential ones. Energy policies must underpin the efforts of the developing countries to eradicate poverty. Also, the necessary search for alternative sources of energy must not compromise the fight against worldwide famine.

The Non-Aligned Movement is pleased with the emphasis that the G-8 Summit will put on Africa's economic development. We are concerned that the economic situation in Africa continues to be precarious despite the decisive role played by this continent and the African people in the world economy for centuries.

We recognize that in addressing the special needs of Africa, there must also be direct support for the programs that the African leaders have put in place in the context of the New

Economic Partnership for Africa's Development (NEPAD), which embodies the collective determination and commitment of the African governments and peoples to take control of their future development and take on the pressing task of fighting poverty, guiding their countries down the path to sustainable socio-economic development.

In this sense, it is imperative that the international community, particularly the developed countries, increase the allocation of resources for the implementation of projects and programs identified in various sectors, cancel all the debts of the African countries, adopt practical measures for its immediate application and double Africa's development assistance, among other measures. That support is crucial to promote regional integration and development and for the attainment of the internationally agreed development objectives, including the Millennium Development Goals, which are essential for Africa's sustained economic growth and sustainable development.

Excellency,

It is also fitting to convey to you the positions and viewpoints of the Non-Aligned Movement on some of the fundamental issues on the international political agenda, to which we are convinced the G-8 also attaches top priority and which most certainly will be examined at the Summit in Hokkaido Toyako or in subsequent meetings during the Japanese Presidency.

The NAM is profoundly concerned about the existing difficult and complex situation in terms of international disarmament and security, and has urged the international community to renew its efforts with a view to ending the current stalemate and achieving nuclear disarmament and non-proliferation in all its aspects.

The Movement has reiterated the threat posed to humanity by the permanent existence of nuclear weapons and its possible use or threat to use them. In this sense, it has highlighted the need for the nuclear States to honour the unequivocal commitment that they entered into in 2000 to work towards the total elimination of nuclear weapons.

The non-aligned countries continue to be profoundly concerned about the existence of strategic defense doctrines that not only bring about justifications to the use or the threat to use nuclear weapons but that also uphold unjustifiable concepts on international security based on the promotion and development of military alliances and policies of nuclear deterrence. They have also reiterated that the improvement of the existing nuclear weapons and the development of new types of these weapons by certain nuclear powers violate the commitments entered into by the nuclear States during the signing of the Comprehensive Test Ban Treaty.

The NAM reiterates its commitment to the successful outcome of the 8th Non-Proliferation Treaty Review Conference in 2010 – and expresses its willingness to work together with the G-8 countries in accomplishing this objective, both at the Review Conference itself and during the preparatory process that started in 2007.

On the related issue of nuclear technology, the NAM reaffirms the fundamental and inalienable right of all States to develop the research, production and utilization of nuclear energy with peaceful purposes, without discrimination and in conformity with their respective legal obligations.

The Movement recognizes that the International Atomic Energy Agency (IAEA) is the only authority competent to verify the fulfilment of the obligations entered into under the respective safeguards agreements of the Member States and emphasizes that there must not be any undue pressure or interference in the body's activities that may jeopardize its efficiency and credibility.

Finally, I would like to reiterate the NAM's best wishes for a successful G-8 Summit and the Japanese Presidency, while conveying the Movement's willingness to consider the most viable options to facilitate and increase a fruitful dialogue and exchange between both groupings, enabling developing countries to voice their interests and concerns so that these are taken into account before decisions are made that affect them directly.

I would like to avail myself of this opportunity, Excellency, to renew the assurances of my highest and most distinguished consideration.

Felipe Pérez Roque
Minister of Foreign Affairs of the
Republic of Cuba

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General Assembly
Sixty-second session
Agenda item 16
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-third year

Identical letters dated 8 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit a statement of the Government of Georgia regarding the latest explosions in Georgia's region of Abkhazia (see annex).

I should be grateful if the present letter and its annex were circulated as a document of the General Assembly, under agenda item 16, and of the Security Council.

(*Signed*) Irakli **Chikovani**
Chargé d'affaires a.i.

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Annex to the identical letters dated 8 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Government of Georgia on explosions in the Gali District

7 July 2008

The last two days have seen a continuation of the recent series of explosions in Georgia's region of Abkhazia. Unfortunately the blast in the Gali district killed several citizens of Georgia. The Government of Georgia conveys its condolences to the families of the blast victims.

We condemn these and all previous acts of violence. It is a regrettable fact in the Abkhazian region — on the territory, which is outside the control of the central authorities, amid unlawfulness and negligence of the constitution, basic human rights, including the rights to life in dignity, to work, to free movement and to education, continue to be trampled on.

Those acts of violence are in the interests of forces hoping to prolong the presence of illegally deployed Russian military forces in Georgia; of forces resisting demilitarization and peace in the region and of those who want to derail Georgia's European and Euro-Atlantic aspirations.

In order to prevent further escalation in the region, on condition of a withdrawal of the Russian military forces from the Ochamchire and Gali districts, the Georgian Government reiterates its readiness to establish there a joint local police force under international supervision, which will efficiently provide conditions for the protection of the fundamental rights of Georgian citizens.

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Seventeenth progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire

I. Introduction

1. By its resolution 1795 (2008) of 15 January 2008, the Security Council extended the mandate of the United Nations Operation in Côte d'Ivoire (UNOCI) until 30 July 2008, and requested me to provide information on progress achieved in implementing the key tasks of the peace process as set out in the Ouagadougou Agreement and its supplementary agreements. The present report provides an update on major developments in Côte d'Ivoire since my report of 15 April 2008 (S/2008/250).

II. Political developments

2. The overall political climate in Côte d'Ivoire remained calm during the reporting period, with the implementation of the Ouagadougou Agreement and its supplementary agreements continuing to dominate political developments. As indicated in section IV of the present report, the parties made further significant progress by completing the mobile courts operation for the identification of the population; finalizing the modus operandi for the issuance of national identity cards and the voter registration process; launching the cantonment of Forces nouvelles combatants; beginning to transfer revenue collection from the Forces nouvelles to the State in the northern part of the country; and, moving forward the preparations for national elections. However, the implementation of other key aspects of the Ouagadougou Agreement, notably the disarmament and dismantling of the militia and the reunification of the armed forces, remained stalled. Funding constraints also contributed to continued delays in the reintegration of former combatants, the launch of the national civic programme and the development of State institutions' capacity in the northern part of the country.

3. On 14 April, President Laurent Gbagbo issued a decree setting 30 November 2008 as the date of the first round of presidential elections, as recommended by the Independent Electoral Commission and agreed to by all Ivorian political parties and civil society. With the lifting of the zone of confidence that had divided the country, and the sustained improvement of the political and security climate in the country, political party leaders and the general population are now able to move freely throughout the country. During the reporting period significant efforts were made to

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reinvigorate political party structures and increase outreach activities, including rallies by political parties throughout Côte d'Ivoire, in preparation for the November elections.

4. The Ivorian political parties and civil society actively discussed the implementation of key aspects of the Ouagadougou Agreement and supplementary agreements, in particular the disarmament of combatants and militias; the restoration of effective State administration with the capacity to collect revenue in the northern part of the country; and, the identification of the population. The ruling Front populaire ivoirien political party strongly advocated for the disarmament of combatants and the transfer of administrative authority to the préfets, sous-préfets and customs officers redeployed in the north. As for the Rassemblement des houphouétistes pour la démocratie et la paix opposition alliance, it continued to dispatch teams throughout the country to sensitize the population on the identification process and the upcoming registration of voters. Also during the reporting period, the President of the Economic and Social Council, Dona Fologo, previously a prominent member of former President Henri Konan Bédié's Parti démocratique de Côte d'Ivoire, formed a new political party, the Rassemblement pour la paix, le progrès et le partage, and announced his support for President Gbagbo in the upcoming presidential election. Meanwhile, Prime Minister Guillaume Soro continued to hold consultations with the various segments of the Ivorian population to keep them apprised of progress in and challenges facing the peace process.

5. During my visit to Côte d'Ivoire on 23 and 24 April, I welcomed the consensus reached by the Ivorian parties on the election date and encouraged them to keep the implementation of the Ouagadougou agreements on track. I congratulated President Gbagbo and Prime Minister Soro on the progress achieved so far and emphasized the need to expeditiously address the financial and technical challenges that are impeding progress in some key areas.

6. I also witnessed, on 24 April, the signing of an agreement between the Ivorian Government and international donors, under which the latter committed some $43 million to support the electoral process. I was also encouraged by the code of good conduct during the electoral period, which was signed by 37 political parties and groupings in my presence. Before visiting Côte d'Ivoire, I travelled to Ouagadougou, where I exchanged views with the Facilitator of the Ivorian peace process, Burkina Faso President Blaise Compaoré, on how best the United Nations could continue to support and accompany the Ivorian peace process.

III. Security situation

7. The overall security situation in Côte d'Ivoire remained stable. However, recurrent protests by cantoned Forces nouvelles combatants over non-payment of their allowances underscored the risk of possible setbacks if adequate resources are not provided to support key aspects of the peace process. On 16 June, more than 200 demobilized Forces nouvelles combatants blocked the main road in Bouaké and discharged their weapons into the air to protest the delay in the payment of their monthly allowances. Forces nouvelles authorities intervened to restore order, while promising the protestors that their grievances would be addressed. UNOCI and Licorne forces deployed to the area to assist in bringing the situation under control.

The Forces nouvelles military leadership also requested UNOCI support to defuse the situation during a second demonstration of demobilized combatants in Bouaké on 18 June that resulted in damages to public and private properties.

8. In mid-May, tensions in Séguéla escalated following the dismissal of Major Zakaria Koné, the Forces nouvelles zone commander of the area, who had opposed the plan to demobilize his combatants, with Forces nouvelles elements loyal to Major Koné discharging their weapons on 18 and 19 May. At the request of the Forces nouvelles leadership, UNOCI increased its military presence in the town. Calm returned to the area following a reconciliation ceremony held on 26 May, during which some 300 Forces nouvelles combatants pledged allegiance to Major Issiaka Ouattara, the newly appointed zone commander who is also the Forces nouvelles deputy chief of staff.

9. The situation in Séguéla and Vavoua, also within Major Ouattara's area of responsibility, deteriorated further in late June, with Forces nouvelles combatants loyal to the deposed zone commander staging violent demonstrations in both cities on 28 June to protest against the ongoing cantonment operation. At least two soldiers from the opposing sides of the Forces nouvelles were killed and several wounded during the exchange of fire that ensued between the factions. In Séguéla, the demonstrators attacked Major Ouattara's residence, while those in Vavoua took hostage a Forces nouvelles official and two soldiers. The hostages were released on 30 June following negotiations with the Forces nouvelles Chief of Staff, General Soumaïla Bakayoko. At the request of the Forces nouvelles, UNOCI and Licorne troops intensified the patrolling of both towns and provided protection for the main Forces nouvelles camp in Séguéla.

10. Meanwhile, localized criminality continued to be a growing concern in the area of the country under the control of the Forces nouvelles. On 24 April, 200 students in Bouaké held a peaceful demonstration to protest against mounting insecurity in the city. On 14 May, a regular UNOCI patrol along the Korhogo-Mbengue highway discovered the bodies of two Forces nouvelles soldiers, one of whom was later identified as the deputy zone commander of Katiola, Ouattara Ali.

11. Notwithstanding a decrease in the number of roadside robberies and armed attacks, the western part of the country also remained unstable. On 5 May in Tai, near Guiglo, Young Patriots prohibited the movement of an Independent Electoral Commission official in protest against the inclusion of Forces nouvelles members in the local electoral commission, and fired into the air with AK-47 rifles. UNOCI intervened to calm the situation and ensure safe passage of the civilian personnel of the Mission. Following discussions with local law enforcement officials, the roadblock was removed. Throughout the country, a rise in incidents of rape was noted during the period under review.

IV. Status of implementation of the Ouagadougou Agreement

12. On 9 May, the Facilitator of the Ivorian peace process convened the third meeting of the permanent consultative framework of the Ouagadougou Agreement, which comprises the main Ivorian political leaders (President Gbagbo, Prime Minister Soro, Mr. Bédié and Mr. Ouattara). The final communiqué called for a rapid launch of the identification operation and the reconstitution of civil registers, as well as the immediate dismantling of the militias and the commencement of the

civic service. Upon a request from Mr. Ouattara, leader of the Rassemblement des républicains, the meeting decided that the mobile court operations would continue beyond the 15 May closure date where needed and within an agreed timeline.

13. Notwithstanding the progress noted during the period under review with respect to implementing the peace process, significant challenges persisted that threatened to undermine the gains already made, in particular the lack of adequate funding for key processes such as the elections and disarmament, and also the imperative of providing adequate security guarantees during the electoral process in view of the violent demonstrations described above in paragraphs 7 to 9. Prime Minister Soro stressed the need for increased international support in meeting these challenges during a meeting he convened in Bouaké on 1 July with the political and military leadership of UNOCI, the Special Representative of the Facilitator, the Licorne force commander and the Ambassador of France to Côte d'Ivoire.

A. Establishment of the integrated command centre

14. The integrated command centre responsible for implementing the military and security aspects of the Ouagadougou Agreement continued to build its capacity with support from UNOCI and the Licorne force. Its total authorized strength is 587 Government and Forces nouvelles personnel, comprising 197 elements based at the headquarters in Yamoussoukro and 390 personnel deployed in the former zone of confidence as part of the mixed police units and supporting elements. Since my last report, the integrated command centre has increased its strength from 564 to 587 personnel. Even though the centre's communication capabilities have improved, its operational effectiveness continues to be hampered by limited financial, logistical, planning and operational capabilities. Lack of adequate funding has resulted in its personnel not receiving food and fuel allowances for the past five months, while its Forces nouvelles personnel have not received their monthly salaries since they were deployed.

15. UNOCI and Licorne continue to maintain an integrated implementation cell within the integrated command centre, comprised of military, police and civilian personnel. Three UNOCI military liaison officers and a UNOCI police liaison team are based at the centre. On 28 April, a UNOCI disarmament, demobilization and reintegration operations centre was established at the integrated command centre to strengthen its planning and coordination capacities. Meanwhile, the Mission continued to provide logistical support to the command centre, including transport assistance, communications support and office equipment.

B. Deployment of mixed units and gradual lifting of the green line

16. In keeping with the provisions of the Ouagadougou Agreement, 16 out of the 17 observation posts established by UNOCI along the green line that replaced the zone of confidence have been removed. The remaining post at Beou Zagna, in the western part of the country, is scheduled to be dismantled on 30 July. The progressive lifting of the green line was based on threat assessments, consultations with national partners and Licorne, and the overall security situation. Meanwhile, the mixed police units continued to patrol the former zone of confidence, though, as

indicated in my previous reports, their operations have been hampered by a lack of adequate equipment and salaries.

C. Disarmament, demobilization and reintegration

17. On 18 April, during the regular meeting of the Chiefs of Staff of the Defence and Security Forces of Côte d'Ivoire and the Forces nouvelles with the force commanders of UNOCI and the Licorne force, the Forces nouvelles Commander presented the group's cantonment plan. Under the plan, 36,000 Forces nouvelles elements would be cantoned over a five-month period at sites in Bouaké, Korhogo, Man, Odienné, Ferkessédougou and Kani. The cantonment process was relaunched on 2 May, with the cantonment of 1,000 soldiers in Bouaké. As at 1 July, 6,285 Forces nouvelles elements have been cantoned, out of which 3,980 chose to be demobilized and 1,305 volunteered to join the new national armed forces. Of the Forces nouvelles elements cantoned, 279 women combatants have participated in the operation, out of which one volunteered to join the new armed forces and 278 have decided to be demobilized. The cantoned combatants also included 366 foreign elements from Benin, Burkina Faso, Ghana, Guinea, Liberia, Mali, the Niger, Nigeria and Togo. While foreign combatants participating in the cantonment operation have access to the monthly allowance, they are eligible only for demobilization, and the Ministry of Defence has proposed that they eventually be repatriated to their countries of origin. To date, only 86 weapons, of which 10 are serviceable, have been collected and stored under the custody of the Forces nouvelles.

18. Although the Ouagadougou Agreement provides for the disarmament process to take place under the supervision of the impartial forces, the leadership of the Defence and Security Forces of Côte d'Ivoire and of the Forces nouvelles have not yet accepted a memorandum of understanding regarding the responsibility of the impartial forces to supervise storage of the weapons collected during the cantonment process. Meanwhile, UNOCI continued to provide logistical and technical assistance to the cantonment process, including the refurbishment of sites at Kani and Ferkessédougou, to increase their capacity to 500 combatants each.

19. In June, the Ministry of Defence established a disarmament monitoring committee, which includes representatives of the international community, to address the obstacles facing the ongoing cantonment process, such as the absence of reintegration programmes for foreign combatants and the inability of the Government to pay the agreed $214 monthly allowance to each cantoned combatant for a period of three months. Meanwhile, the national programme for reinsertion and community rehabilitation continues to face considerable financial and logistical challenges that impede its capacity to absorb an expected caseload of 6,000 ex-combatants. To date, only 450 combatants have been absorbed into the programme. The World Bank indicated to the Forces nouvelles Chief of Staff that its $40-million reinsertion and community rehabilitation programme, scheduled to be launched in August, will prioritize demobilized combatants.

20. In April, the Government appointed a director for the planned national civic service programme. In the first stage of its operations, the national civic service programme is expected to focus on former combatants and youth at risk, and will provide three months of training on civic responsibility and six months of vocational

training. The programme is expected to cost $80 million in 2008, of which the Government has budgeted $24 million. International donors, who are expected by the Ivorian Government to meet the $56 million shortfall, have not yet pledged funds for the programme.

D. Disarmament and dismantling of militias

21. No progress has been made with respect to the disarmament and dismantling of militias. Under the third supplementary agreement to the Ouagadougou Agreement, this programme was to begin by 22 December 2007. However, militia leaders have rejected the Government proposal that the 1,019 armed militias remaining in the west should be absorbed by the national civic service programme. They continue to demand payment of the safety net package received by the first batch of militias disarmed in Guiglo in July 2006.

E. Unification of the defence and security forces

22. The unification of the national armed forces, one of the key tasks assigned to the integrated command centre, remained stalled during the period under review. The main stumbling block is the continued disagreement between the signatories of the Ouagadougou Agreement on the ranks and numbers of the Forces nouvelles personnel to be integrated into the new national armed forces. It is now expected that this issue will be addressed after the elections in November.

F. Restoration of State administration throughout the territory

23. During the period under review, the Forces nouvelles made progress in transferring administrative authority to redeployed Government officials. On 20 May, under the auspices of two Forces nouvelles Government ministers, the mayors of Séguéla, Kani and Massala assumed control of their cities. Similar ceremonies took place in Bouaké and five other towns in the Vallée du Bandama Region.

24. No progress was made, however, with regard to the coordinated redeployment of law enforcement, justice and corrections personnel to the north. The Ministry of Justice has developed a plan for the redeployment of the judiciary and the penitentiary, in cooperation with the national commission, for the redeployment of State administration, which requires further coordination with the redeployment plans of the police.

25. On 12 May, the first rehabilitated customs post was inaugurated by the Minister of Economy and Finance at Ouangolodougou. The post is evenly manned by personnel from the Forces nouvelles and Government customs agents, although the former maintain control. While the Forces nouvelles hierarchy is committed to the redeployment of Government customs authorities and has stressed the need for additional sensitization of the local population, some Forces nouvelles customs agents working in the area have indicated their wish to be integrated into the Government customs service after completing the disarmament process.

G. Identification of the population and voter registration

26. Since my last report, significant progress has been made towards the identification of the population. The fourth generation of mobile court operations, which began on 25 September 2007, came to an official end on 15 May, after issuing 627,923 declaratory judgements in lieu of birth certificates, including 533,789 documents to Ivorian nationals, which will serve as valid identity papers for registration on the voters' roll. Subsequent to the recommendation from the permanent consultative framework meeting of 9 May, the Minister of Justice announced, on 16 May, that ad hoc mobile courts would be redeployed for two weeks to areas that were not adequately covered prior to 15 May.

27. The operation to reconstitute the civil registers and restore birth, marriage and death records that were lost or destroyed during the crisis was officially launched on 16 May by the Minister of Justice and Human Rights, and is expected to be completed within four months. The operation is projected to cost $16.5 million, of which the European Union has pledged to contribute $12 million. The United Nations Office of Project Services will provide technical assistance.

28. The decree on the modus operandi for the production and issuance of national identification cards and the registration of voters was promulgated on 19 June. The decree clarifies the modalities of cooperation between the two operators, the French firm SAGEM and the National Institute of Statistics, which are expected to jointly conduct the processes of identification and voter registration under the authority of the Independent Electoral Commission. On 27 May, the Ivorian Government made a first payment to SAGEM in the amount of $47 million, which represents 35 per cent of the total negotiated cost of $165 million.

H. Electoral process

29. Following the confirmation of the 30 November 2008 date for the presidential election, the Independent Electoral Commission announced an electoral timetable that conforms to the Ivorian Constitution and the revised electoral code. The provisional electoral list is scheduled to be published on 31 August; the definitive list, to be used for both the presidential and legislative elections, will be published on 15 November. Following the first round of the presidential election, the Independent Electoral Commission will submit the polling report to the Constitutional Council within three days. The Constitutional Council has up to seven days to decide and issue a statement on the results of the elections. If no presidential candidate wins decisively, a second round of elections should take place within 15 days of the proclamation of the results. Legislative elections will take place 45 days after the announcement of the results of the presidential election.

30. Local electoral commissions, which play a critical role in supervising the identification process and in organizing the elections, are being installed throughout the country. As of 1 July, 369 out of the 415 local commissions had been established. The local electoral commissions include representatives of all signatories of the Linas-Marcoussis Agreement.

31. The planning for the elections, the mapping of polling stations, the procurement of electoral materials and the registration of candidates are also ongoing. UNOCI is assisting the Independent Electoral Commission with a review

of the 11,000 polling sites that were used during the 2000 elections, and is using the geographic information system technology of the Mission in the planning process. The Mission intends to provide air transportation to partners involved in electoral operations, and will assist the National Commission for the Supervision of Identification to establish its regional offices. UNOCI will require additional air, maritime and surface transport assets, engineering and communications capabilities and additional personnel to support the electoral process.

32. The Independent Electoral Commission is facing a shortfall of approximately $18.5 million for its operations in 2008. Its total budget is estimated at $86.5 million, out of which the Ivorian Government will provide $35.5 million. International partners have pledged $32.5 million, of which $10 million will come from the United Nations Development Programme-administered basket fund for elections.

33. In my previous report I outlined the five-criteria framework that was defined by my Special Representative and accepted by all parties for certifying all key stages of the electoral process. The UNOCI certification support cell has developed a modus operandi for the certification process. Field reports, together with formal and informal consultations with the Facilitator of the Ivorian peace process and national and international partners, will serve as the basis for the certification of the electoral process.

I. Financial support for the implementation of the Ouagadougou Agreement

34. Efforts to secure adequate funding for the peace process accelerated during the period under review, with the Prime Minister travelling to the Middle East from 28 April to 7 May, in an effort to mobilize new sources of funding. The Islamic Development Bank has pledged $31 million in support of the Government post-conflict recovery programme. My Special Representative, together with the international consultative organ and international donors, held a press conference on 7 May in Abidjan, during which they announced that the international partners of Côte d'Ivoire had pledged some $272 million in support of Government post-conflict recovery programmes, including the electoral process.

35. On 30 April, the United Nations Peacebuilding Fund approved an extension of the emergency project to support the Ivorian direct dialogue. The contribution to the efforts of the Facilitator, including sustaining the office of his Special Representative in Abidjan, was increased from $700,000 to $1 million. On 13 June, I declared Côte d'Ivoire eligible to receive funds under the second window of the Peacebuilding Fund. A country level analysis of critical gaps in the peacebuilding effort was conducted to prepare a Peacebuilding Fund priority plan that will form the basis for determining the funding envelope. In addition to supporting the Facilitation team, resources could become available to support immediate reinsertion projects for ex-combatants, ex-militias and youth-at-risk, in the context of the 1,000 microprojects initiative launched by my Special Representative. Furthermore, and in addition to its regular budget, UNOCI has secured an additional $1 million from the Republic of Korea and Switzerland, which will support a total of 100 quick-impact projects aimed at strengthening social cohesion and confidence-building in the country.

V. Deployment of the United Nations Operation in Côte d'Ivoire

A. Military component

36. As at 1 July, the military strength of UNOCI stood at 8,024 personnel, comprising 7,740 troops, 195 military observers and 89 staff officers, against the authorized strength of 8,115. Of the Mission's military personnel 77 are women. Of the Mission's 11 battalions, five are deployed in the western part of the country, four in the east and two in Abidjan. One aviation unit, three engineering companies, one transport company and one special force company are providing enabling capacity and operational reserve to the force. The Sous-Groupement de sécurité, comprising 279 personnel, continues to provide close protection to members of the Government and other political leaders, in keeping with the Linas-Marcoussis Agreement and relevant Security Council resolutions. The Licorne force that provides essential support to the Mission continued to patrol the entire area of operation and maintained its quick reaction capability.

37. The redeployment of UNOCI military force from the former zone of confidence continued during the period under review. As part of the redeployment process, the Mission is consolidating its camps from 44 to 24 and increasing force mobility to provide security for the electoral and other key processes under the Ouagadougou Agreement, in line with its revised concept of operations. To date, 20 out of the planned 24 camps have been dismantled. A new deployment location has been established in Dabakala in the north, while efforts are continuing to establish three new camps in the areas of Divo and Issia in the west and Adzopé in the south, where there has been no UNOCI presence. Furthermore, UNOCI intensified its joint border patrols with the United Nations Mission in Liberia (UNMIL) to prevent cross-border movement of irregular armed groups and weapons.

B. Police component

38. As at 1 July, UNOCI police strength stood at 1,152 personnel, against the authorized ceiling of 1,200, including 402 officers and 750 personnel in formed police units. There are 20 female officers in the UNOCI police component.

39. The police component is focusing on supporting, mentoring and advising the Ivorian national police and the mixed police units that maintain law and order in the former zone of confidence. UNOCI police personnel conduct joint patrols and investigations with the Ivorian national police and gendarmes in order to help enhance the professional capacity of these forces. UNOCI police also conduct regular training courses on human rights and international standards of policing, provide support to the integrated command centre, and have initiated bilateral projects on crowd control and forensics between national law enforcement agencies and Germany, Turkey and the European Union. In case it becomes necessary to reinforce its crowd control capacity during the elections, UNOCI intends to consult with UNMIL, the Ivorian Government and troop contributors on the possibility of receiving reinforcements from formed police units deployed in UNMIL, within the framework of Security Council resolution 1609 (2005).

VI. Human rights and the rule of law

A. Human rights situation

40. The overall human rights situation in Côte d'Ivoire has continued to show signs of sustained improvement, a trend that was noted with satisfaction by the Deputy United Nations High Commissioner for Human Rights, Kyung-wha Kang, during her visit to Côte d'Ivoire from 25 to 27 May. At the same time, cases of impunity for human rights violations continued to be reported during the period under review. UNOCI documented and investigated reports of human rights violations inflicted on civilians, including intimidation, arbitrary arrest and detention, extrajudicial killing, rape committed by armed highway robbers in the Bangolo region and racketeering at checkpoints in both the Government- and Forces nouvelles-controlled parts of the country.

41. The persistent impunity enjoyed by perpetrators of sexual violence including rape, female genital mutilation and forced marriage committed against women and girls is of particular concern. During the reporting period, UNOCI documented more than 52 cases of rape. Of these reported cases, little action to hold the perpetrators accountable has been taken by the national authorities to date. There were also inter-community tensions that led to targeted killings and the destruction of property in the Odienné, San Pedro and Duékoué areas.

42. The Mission, with support from the Office of the United Nations High Commissioner for Human Rights, continued to work closely with national partners to build the capacity of civil society to promote and protect human rights, raise awareness and empower citizens to claim their rights. Meanwhile, in an encouraging development that followed the release of a Human Rights Watch report accusing members of the Student Federation of Côte d'Ivoire, the student union, of violence and intimidation in support of the ruling Front populaire ivoirien, President Gbagbo met with the union's new leadership on 19 May and called on them to refrain from acts of violence.

B. Child protection

43. UNOCI and the United Nations country team continued to monitor violations committed against children, pursuant to Security Council resolution 1612 (2005), and worked towards mainstreaming concerns related to children in the Mission programmes, in accordance with Security Council resolutions 1261 (1999) and 1460 (2003). Since the beginning of 2008, 3,275 Mission personnel have received child protection training. UNOCI also provided training and sensitization programmes for members of local communities, to build awareness of child rights and capacity for child protection. These programmes have so far reached 3,790 national law enforcement officers, teachers, members of non-governmental organizations and civil society representatives.

44. Meanwhile, the Mission maintained its dialogue with the Forces nouvelles and pro-Government militia following my decision to remove them from the list of parties to armed conflict that recruit or use child soldiers. On 17 April, the militia leaders in the west issued a communiqué welcoming that decision and expressing appreciation for the United Nations assistance to developing and successfully

implementing their action plan. They further expressed their determination to prevent the future use of child soldiers in the areas of the country under their influence.

C. Judicial and corrections systems

45. In April, the European Union handed over to the Minister of Justice and Human Rights six court buildings it had rehabilitated in Bouaké, Katiola, Séguéla, Man, Touba and Danané in support of the restoration of the judicial system in the north of the country. Rehabilitation works at the remaining court buildings in the Forces nouvelles-controlled part of the country also began during the period under review. With technical assistance from UNOCI and funding provided by the German Development Agency, the Government is taking steps to establish a national institute for judicial training, a specialist graduate school for judicial and penitentiary personnel.

46. With respect to corrections institutions, Germany has committed to financing the rehabilitation of nine prisons in the north. Meanwhile, on 16 April, approximately 150 inmates escaped from the Bouaké prison after reportedly bribing a prison guard. Only nine of the escaped prisoners have since been captured.

VII. Humanitarian situation

47. The spontaneous return of displaced persons continued during the period under review. Since the signing of the Ouagadougou Agreement and as a result of strengthened coordination between authorities and humanitarian actors in the western area of Côte d'Ivoire, 61,432 internally displaced persons have returned to their original homes. Humanitarian assistance and protection will continue to be provided to these populations.

48. To address tensions between the host community in Bloléquin and returning internally displaced persons, the Minister of National Reconciliation and the Minister of Solidarity and War Victims, together with the United Nations Humanitarian Coordinator in Côte d'Ivoire, organized a workshop on 23 May to develop proposals to facilitate the return and reintegration of displaced persons into their communities of origin. Participants recommended that the Government rehabilitate the existing social infrastructure and provide income-generating opportunities for youth. Meanwhile, the Ministry of Public Health and Hygiene launched on 17 May a week-long initiative in Korhogo to expand nutritional programmes in the north of the country, where some 80,000 children suffer from malnutrition.

VIII. Economic recovery

49. In May, the Ivorian Government cleared arrears owed to the World Bank, allowing the Bank to consider relaunching rural development, transport, education and distance learning programmes that had been suspended since 2004. The World Bank approved three additional projects on 12 June, including an emergency urban reconstruction grant for Abidjan and Bouaké ($94 million), an HIV/AIDS project

($20 million) and a governance and institution-building project ($12 million). Meanwhile, a preliminary version of the 2009-2013 United Nations Development Assistance Framework was validated by national and local partners. Similarly, the poverty reduction strategy, covering the same period, is being finalized following nationwide consultations held under the leadership of the Ministry of State, Planning and Development.

IX. Media monitoring and public information

50. UNOCI continued to implement its communications strategy in support of the peace process and the accompanying role of the Mission. The Mission also worked to expand the participation of civil society in promoting the peace process, organizing workshops and seminars with the Ivorian media, women, traditional chiefs and civil society groups. The UNOCI peace caravan, aimed at involving schoolchildren in peace initiatives within their communities, visited several towns within the country, in particular in the west. Meanwhile, ONUCI FM continued to expand its coverage area with the installation of a transmitter in Dabakala.

51. The Mission also continued its efforts to promote a positive media environment and to monitor the activities of the national print and broadcast media. In that regard, UNOCI provided technical and financial support for a national forum organized from 27 to 30 May by the Government and media professionals that focused on the role of the media and politicians during the electoral period. The forum concluded with the adoption of guidelines on media coverage of the elections and declarations on freedom of political speech, on freedom of expression within the media and against hate speech. The Mission also provided four training seminars for national media and community radio stations on their role and responsibility during the electoral period in Yamoussoukro, Daloa and Abengourou.

X. Gender

52. In accordance with Security Council resolution 1325 (2000) on women, peace and security, the Mission's gender unit continued to mainstream a gender perspective in the implementation of the mandate of UNOCI. During the reporting period, 586 Mission personnel were trained on gender mainstreaming, gender analysis and sexual and gender-based violence in post-conflict environments. As indicated above, UNOCI continued to receive reports indicating that gender-based sexual violence persists in Côte d'Ivoire; perpetrators of violations including rape, female genital mutilation and forced marriage enjoy impunity owing to the crisis and widely accepted traditional and cultural norms. As part of the national action plan for the implementation of Security Council resolution 1325 (2000), the Ministry of Justice and Human Rights, with support from the Mission and the United Nations Development Programme, organized a seminar for legal and judicial personnel aimed at designing appropriate actions to combat sexual and gender-based violence.

53. Meanwhile, with support from UNOCI, the women's network Coordination des femmes pour les élections continued its activities to encourage the participation of women in the forthcoming elections, both as candidates and as voters. In a similar vein, the Ministry of Social Affairs, Women and Family supported efforts to foster

gender parity schemes within political parties, and continued to develop a road map for women's political participation that will be presented to donors.

XI. HIV/AIDS

54. UNOCI continued to mainstream HIV/AIDS awareness in the activities of the Mission. In this regard, the Mission and the United Nations Population Fund started two new projects in June focused on the prevention and treatment of sexually transmitted infections among the Ivorian armed and security forces and commercial sex workers. In addition, since my last report, UNOCI military peer educators conducted HIV/AIDS awareness training to 3,186 personnel within their respective battalions, while 144 new peer educators were trained to conduct sensitization activities. Voluntary counselling and testing services were also provided for 1,532 Mission personnel.

XII. Personnel conduct and discipline

55. On 27 May, the non-governmental organization Save the Children, UK released the report *No One to Turn To*, which focused on the underreporting of sexual exploitation and abuse of children committed by peacekeepers and humanitarian workers in peacekeeping operations, including in Côte d'Ivoire. To increase public awareness of both my zero-tolerance policy with respect to sexual exploitation and abuse, and UNOCI proactive efforts towards full compliance with this policy, my Special Representative gave a press conference on 30 May 2008, during which he underscored the need for all allegations of sexual exploitation and abuse to be brought immediately to the attention of the Mission so that full investigations could take place and those found guilty face appropriate sanctions, in accordance with the United Nations rules and regulations. Of particular concern is an allegation that a 12-year-old girl had been raped by 10 UNOCI military personnel over a year ago, which was referenced by the BBC in its coverage of the Save the Children, United Kingdom report. The United Nations Office of Internal Oversight Services is conducting a preliminary investigation to assess the credibility of the allegations. The result of these initial assessments will be shared with the concerned troop-contributing country for appropriate action.

56. In my fifteenth progress report (S/2008/1), I indicated that investigations were under way by the United Nations and the concerned troop-contributing country into allegations of sexual exploitation and abuse by personnel of a UNOCI military contingent previously stationed in the Bouaké area. These investigations are nearing their conclusion, and the results will soon be made public.

57. Meanwhile, the conduct and discipline unit of the Mission is working to develop additional measures to prevent sexual exploitation and abuse, including a public awareness campaign. In that regard, the unit maintained contact with local non-governmental organizations throughout the country, to ensure that local populations are sensitized on the applicable United Nations standards of conduct. The Mission continues to ensure that all UNOCI personnel are informed about my zero-tolerance policy. To date, 6,634 UNOCI personnel, including 3,454 military, 2,481 civilian and 699 police personnel have received mandatory training on the prevention of sexual exploitation and abuse.

XIII. Financial implications

58. The General Assembly, by its resolution 62/254, appropriated the amount of $475.4 million for the maintenance of UNOCI for the period from 1 July 2008 to 30 June 2009. Should the Security Council decide to extend the mandate of UNOCI beyond 30 July 2008, the cost of maintaining the Operation until 30 June 2009 would be limited to the amounts approved by the General Assembly.

59. As at 31 May 2008, unpaid assessed contributions to the Special Account for UNOCI amounted to $62.8 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1.75 billion. Reimbursement of troop and contingent-owned equipment costs has been made for the period up to 31 May 2008 and 31 March 2008, respectively.

XIV. Observations

60. I welcome the confirmation of 30 November 2008 as the date of the first round of the presidential election, and commend the Ivorian political leaders for their sustained commitment to the implementation of the Ouagadougou Agreement. In this regard, the adoption by the Government of all the decrees pertaining to the electoral process, which, inter alia, brings the electoral code in line with the Ouagadougou Agreement, is particularly encouraging. These important developments mark the beginning of the electoral process in earnest. I urge the Ivorian parties to do everything possible to keep the process on track, and call on the international community to provide the logistical, technical and financial support necessary to conduct the electoral process and other key tasks set out in the Ouagadougou Agreement, in particular the disarmament and national civic service programmes, and to build the capacity of the newly restored State institutions in the northern part of the country.

61. Notwithstanding the positive developments, Côte d'Ivoire still faces significant challenges. All of the upcoming stages of the electoral process must be conducted in a transparent and credible manner, and the parties should do everything to preserve and consolidate the positive political and security climate. I am therefore deeply concerned about the funding challenges facing the cantonment process, as well as the very low number of serviceable weapons surrendered to date by cantoned combatants. The persistent lack of progress on the disarming and dismantling of the militias is also a source of concern. The continued existence of militias, even if they remain dormant, and the lack of credibility of the cantonment of former combatants with weapons stored under secure and verifiable arrangements, could pose serious risks to the electoral process. In view of the Ivorian parties' decision to defer until after the elections the implementation of key aspects of the Ouagadougou Agreement, including the unification of the armed forces and effective disarmament, I encourage the Defence and Security Forces of Côte d'Ivoire and the Forces nouvelles to jointly develop a comprehensive plan for the security of the elections, in close consultation with the Facilitator and the impartial forces and with their technical and logistical support.

62. It is essential to ensure that demobilized combatants are constructive participants in the electoral process. In that regard, I commend the steps taken by the United Nations country team, in cooperation with the Ivorian Government, to

mobilize resources towards meeting crucial peacebuilding needs. I encourage all stakeholders to expedite the planning and implementation of projects for the reinsertion of ex-combatants, ex-militias and youth-at-risk in the months leading to elections. I also commend the launch of 100 quick-impact projects and the 1,000 microprojects initiative launched by my Special Representative to support reinsertion programmes, which will contribute to an environment conducive to elections.

63. I encourage the Government to continue consultations with key bilateral and multilateral donors, with a view to addressing the critical funding gaps facing both the identification and electoral processes. My Special Representative is available to assist the Government in this regard. In conducting the certification process, in particular the explicit certification of the voters' lists and the results of the elections, my Special Representative will continue to hold broad discussions with Ivorian stakeholders, the Facilitator and international partners. In that regard, I support the monitoring method developed by my Special Representative for conducting his certification mandate.

64. In my previous report, I recommended that the Security Council maintain the current UNOCI troop levels until after the presidential and legislative elections, in keeping with the mandate of UNOCI to contribute to a secure environment conducive to free and fair elections. With elections scheduled on 30 November, UNOCI, with the Ivorian authorities and the Licorne force, is currently assessing the security threats that might impact on the electoral process, and is moving forward on comprehensive security contingency planning. Meanwhile, the restoration of State administration throughout the country and the completion of the disarmament, demobilization and reintegration processes, identified in my thirteenth progress report on UNOCI (S/2007/275) as the key benchmarks that should trigger the beginning of withdrawal of UNOCI, remain incomplete. I therefore recommend that the mandate of UNOCI be extended for a period of six months, until 31 January 2009, and that the current strength of UNOCI be maintained until after the completion of the presidential and legislative elections. A comprehensive assessment and further recommendations on troop levels will be submitted after the announcement of the results of the November elections.

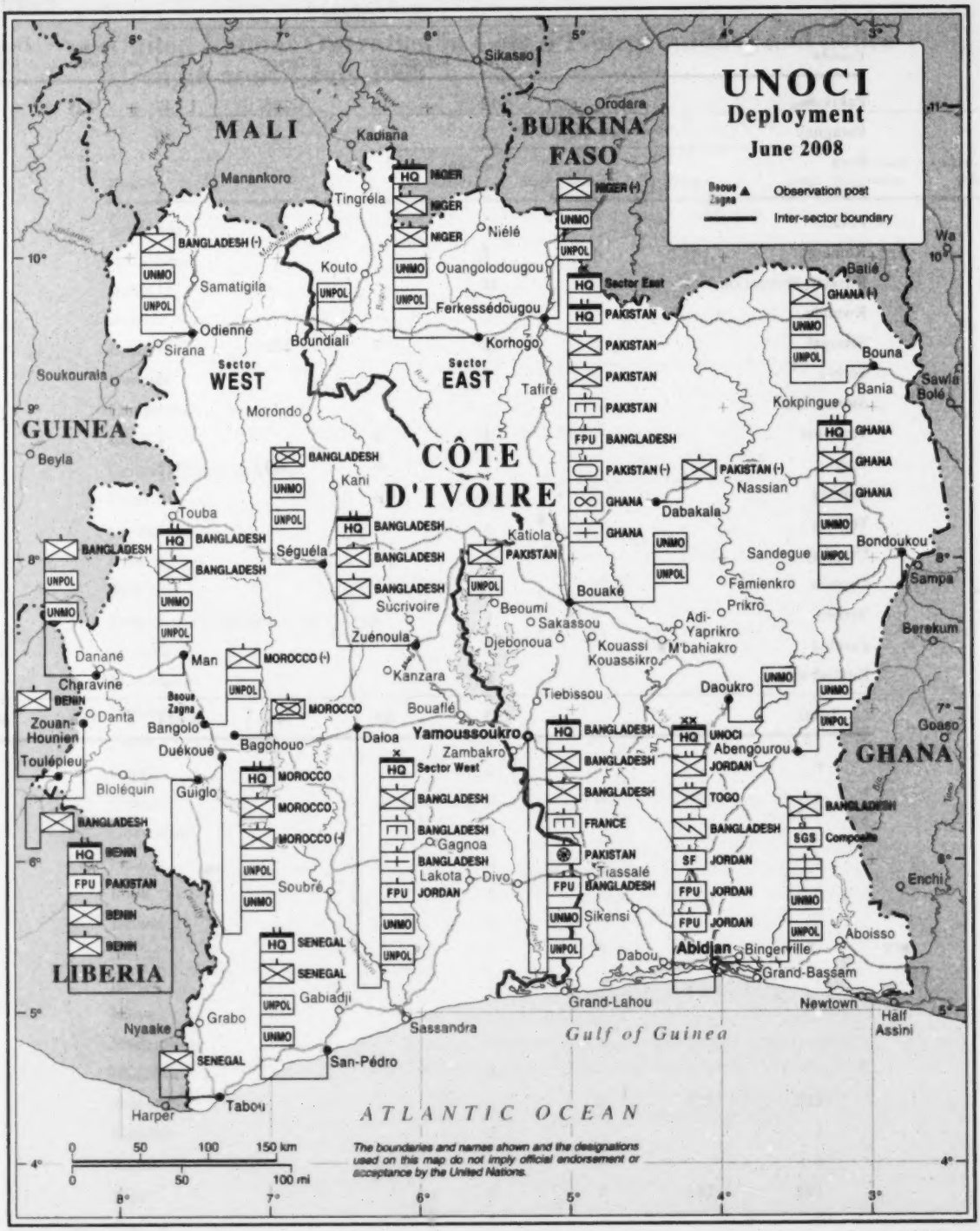
65. In conclusion, I would like to thank my Special Representative for Côte d'Ivoire, Y. J. Choi, and all UNOCI military, police and civilian personnel for their continued commitment to supporting the peace process. I also thank the Facilitator of the Ivorian peace process, President Blaise Compaoré, and his Special Representative in Côte d'Ivoire, for the essential role they have continued to play, especially in helping to resolve emerging difficulties. I thank as well all troop- and police-contributing countries, the Economic Community of West African States, the African Union, United Nations agencies, funds and programmes, humanitarian organizations, multilateral and bilateral donors, and international and local non-governmental organizations for their important contributions to achieving lasting peace in Côte d'Ivoire.

Annex

United Nations Operation in Côte d'Ivoire: military and police strength as at 2 July 2008

	Military component					
Country	*Military observers*	*Staff officers*	*Troops*	*Total*	*Formed police units*	*Civilian police*
Argentina						
Bangladesh	11	10	2 707	2 728	250	2
Benin	8	7	420	435		52
Bolivia	3			3		
Brazil	4	3		7		
Burundi						11
Cameroon						71
Canada						7
Central African Republic						1
Chad	3			3		5
China	6			6		
Croatia	2			2		
Djibouti						52
Democratic Republic of the Congo						20
Ecuador	2			2		
El Salvador	3			3		
Ethiopia	2			2		
France	2	10	171	183		10
Gambia	3			3		
Ghana	6	6	535	547		5
Guatemala	5			5		
Guinea	3			3		
India	8			8		
Ireland	2			2		
Jordan	7	12	1 048	1 067	375	5
Kenya	1			1		
Libya						2
Madagascar						11
Moldova	3			3		
Morocco		2	723	725		
Namibia	2			2		
Nepal	3	1		4		
Niger	6	3	382	391		37
Nigeria	7			7		

Country	Military component				Formed police units	Civilian police
	Military observers	Staff officers	Troops	Total		
Pakistan	12	10	1 125	1 147	125	2
Paraguay	8	2		10		
Peru	3			3		
Philippines	4	3		7		
Poland	2			2		
Romania	7			7		
Russian Federation	11			11		
Rwanda						17
Senegal	12	7	320	339		64
Serbia	3			3		
Switzerland						2
Tanzania	1	2		3		
Togo	7	6	309	322		9
Tunisia	7	3		10		
Turkey						6
Uruguay	2			2		4
Uganda	4	1		5		
Yemen	6	1		7		7
Zambia	2			2		
Zimbabwe	2			2		
Total	**195**	**89**	**7 740**	**8 024**	**750**	**402**



Map No. 4220 Rev. 22 UNITED NATIONS
June 2008

Department of Field Support
Cartographic Section

United Nations S/2008/452

Security Council

Distr.: General
10 July 2008

Original: English

Letter dated 10 July 2008 from the Permanent Observer of the African Union to the United Nations addressed to the President of the Security Council

Pursuant to Article 54 of the Charter of the United Nations, I have the honour to forward the attached resolution (Assembly/AU/Res.1(XI)) adopted by the Assembly of Heads of State and Government of the African Union during its eleventh ordinary session, held in Sharm el Sheikh, Egypt, on 30 June and 1 July 2008, concerning the situation in Zimbabwe (see annex).

I should also seize this opportunity to inform you, and to underscore the fact that African leaders have fully assumed their responsibility in efforts to address the political crisis in Zimbabwe, as you are aware. Indeed, the adoption of this resolution followed in-depth discussions and consultations by African leaders. We believe the support of the Security Council for its implementation would be crucial, as in other instances. We therefore urge the Council to lend its full support to this process at the present stage of its consideration of the situation in Zimbabwe.

We request you to kindly circulate this letter and the attached resolution as a document of the Security Council.

(*Signed*) Lila H. **Ratsifandriharnanana**
Ambassador
Permanent Observer

08-41862 (E) 100708

Annex to the letter dated 10 July 2008 from the Permanent Observer of the African Union to the United Nations addressed to the President of the Security Council

Resolution on Zimbabwe

The African Union Assembly, meeting in its eleventh ordinary session held from 30 June to 1 July 2008 in Sharm el Sheikh, Egypt,

Deeply concerned with the prevailing situation in Zimbabwe,

Deeply concerned by the negative reports of the Southern African Development Community (SADC), the African Union and the Pan-African Parliament observers on the Zimbabwean Presidential run-off election held on 27 June 2008,

Deeply concerned about the violence and loss of life that have occurred in Zimbabwe,

Considering the urgent need to prevent further worsening of the situation and in order to avoid the spread of conflict with the consequential negative impact on the country and the subregion,

Further considering the need to create an environment conducive to democracy, as well as the development of the people of Zimbabwe,

Expressing its appreciation to SADC, and its Organ on Politics Defence and Security Cooperation, as well as to the Facilitator of the intra-Zimbabwe dialogue, His Excellency Thabo Mbeki, President of the Republic of South Africa, and His Excellency Jean Ping, Chairperson of the African Union Commission for the ongoing work aimed at reconciling the political parties,

Recognizing the complexity of the situation in Zimbabwe,

Noting the willingness of the political leaders of Zimbabwe to enter into negotiations to establish a Government of National Unity,

Noting further that preparatory discussions on this matter have already started, under SADC facilitation,

Hereby decide:

1. *To encourage* President Robert Mugabe and the leader of the Movement for Democratic Change (MDC) Party Mr. Morgan Tsvangirai to honour their commitments to initiate dialogue with a view to promoting peace, stability, democracy and reconciliation of the Zimbabwean people;

2. *To support* the call for the creation of a Government of National Unity;

3. *To support* the SADC Facilitation, and *recommend* that SADC mediation efforts should be continued in order to assist the people and leadership of Zimbabwe to resolve the problems they are facing. In this regard SADC should establish a mechanism on the ground in order to seize the momentum for a negotiated solution;

4. *To appeal* to States and parties concerned to refrain from any action that may negatively impact on the climate of dialogue;

5. In the spirit of all SADC initiatives, the African Union remains convinced that the people of Zimbabwe will be able to resolve their differences and work together once again as one Nation, provided they receive undivided support from SADC, the African Union and the world at large.

United Nations S/2008/453

Security Council

Distr.: General
10 July 2008

Original: English

Letter dated 10 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Georgia to the United Nations addressed to the President of the Security Council

I have the honour of writing to you in your capacity as the President of the Security Council for the month of July 2008 and would like to inform you that on 8 July 2008 Russian military aircraft intruded into Georgian sovereign airspace from the Russian Federation. This fact of aggression has been explicitly confirmed by the Ministry of Foreign Affairs of the Russian Federation on 10 July 2008.

In this regard, in accordance with Article 35 (1) of the Charter of the United Nations, I would like to ask you to convene immediately a meeting of the Security Council with the participation of the representative of Georgia in order to address the above-mentioned issue, which threatened the independence, sovereignty and territorial integrity of Georgia.

(*Signed*) Irakli **Chikovani**
Chargé d'affaires a.i.

08-41902 (E) 100708

United Nations S/2008/454

Security Council

Distr.: General
10 July 2008

Original: English

Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1796 (2008), by which the Security Council, following the request of the Government of Nepal and on the basis of the recommendation of the Secretary-General, renewed the mandate of the United Nations Mission in Nepal (UNMIN), as set out in resolution 1740 (2007), until 23 July 2008. UNMIN was established as a special political mission with a mandate to monitor the management of arms and armed personnel of the Communist Party of Nepal (Maoist) (CPN (M)) and the Nepal Army, assist in monitoring ceasefire arrangements, provide technical support for the conduct of the election of a Constituent Assembly in a free and fair atmosphere and provide a small team of electoral monitors.

2. This report reviews progress in the peace process and the implementation of the mandate of UNMIN since my report to the Council of 12 May 2008 (S/2008/313).

II. Progress of the peace process

3. The convening on 28 May of the democratically elected Constituent Assembly was a milestone in the peace process in Nepal. The Assembly is to draft a new Constitution within the next two years and will also act as the legislature during this transitional period. At the first session the Assembly members present voted by 560 votes to 4 to end the 239-year-old monarchy of Nepal and to implement a federal democratic republic. A constitutional amendment was also adopted creating the posts of President and Vice-President. The former king, Gyanendra Shah, was afforded all the rights and responsibilities of any Nepali citizen and given 15 days to vacate the Narayanhiti Palace in central Kathmandu, which he did on 11 June.

4. The republic was established peacefully amid public celebrations, apart from some minor incidents as a result of improvised explosive devices detonated at the Birendra International Convention Centre, the venue of the Assembly, and at other locations in Kathmandu, allegedly by Hindu fundamentalist groups, in the week when the Assembly's inaugural session was held.

08-41135 (E) 110708

5. In my previous report I noted that, although the members of the Assembly had been elected, significant challenges remained, including agreement on the basis for the formation of a new government. Following the announcement by the Election Commission on 8 May of the final results of the Assembly election, the three largest parties, CPN (M), the Nepali Congress (NC) and the Communist Party of Nepal (Unified Marxist-Leninist) (UML), started negotiations on the formation of a new government. The Interim Constitution emphasizes the importance of governing through consensus. All major political parties agree that since the Maoists are the largest party in the Assembly they have the mandate to lead the government, but the other major parties, particularly NC, UML and the Madhesi People's Rights Forum (MPRF), have set a number of conditions for their participation in or support for a Maoist-led government.

6. Some important impediments to forming a new government were removed on 25 June when the Seven-Party Alliance signed an important agreement (Agreement between the political parties to amend the Constitution and take forward the peace process), which addresses several issues regarding the peace process. At the next Assembly meeting held on 26 June, the Prime Minister, Girija Prasad Koirala, announced his resignation, which is expected to be formally submitted once a President has been elected, and called on the Maoists to form a government. On the same date, the names of the 26 Assembly members to be nominated by the Council of Ministers were submitted by the political parties among whom they had been allocated, on the basis of a political understanding reflecting the strength of parties in the Assembly.

7. The Council of Ministers on 25 June endorsed a bill aimed at the implementation of several key elements of the Agreement through amendments to the Interim Constitution. The bill would remove reference to the Seven-Party Alliance and extend the commitment to cooperation to other political parties represented in the Assembly. It would provide for the appointment and removal of the government by a simple majority of Assembly members, instead of a two-thirds majority. The President would also be elected by a simple majority if consensus could not be reached. Further amendments provide for the leader of the opposition party to be included on the Constitutional Council; however, the political parties are divided as to whether the leader of the opposition should also be a member of the National Security Council.

8. The Agreement provides for the time-bound resolution of some key issues connected with the peace process. It requires termination within 15 days of the paramilitary functioning and activities of the Maoist Young Communist League (YCL), which CPN (M) has indicated will fully comply with the laws of the land. The Maoists are also required to return all seized property within the same time frame, after which legal action will be taken. The Agreement recommits the parties to the establishment within one month of several commissions, including a National Peace and Rehabilitation Commission, a Truth and Reconciliation Commission, a High-Level Commission for Restructuring the State, a Commission to Investigate the Disappeared, and a Commission on Land Reform.

9. A key issue in the negotiations leading to the Agreement was the integration, rehabilitation and management of arms and the confinement of Maoist army personnel to cantonments. The Agreement requires the reconstitution of the special committee, provided for in the Comprehensive Peace Agreement and in article 146

of the Interim Constitution, to include representatives of political parties represented in the Assembly. The special committee would start work within 15 days of the formation of the Council of Ministers with a time frame of six months, beyond which the country would bear no responsibility for verified combatants who have not been integrated or rehabilitated. Verified combatants would have a choice between possible integration into security bodies "after fulfilling the standard requirements", and an economic package and other alternatives for rehabilitation. Until integration and rehabilitation are complete, Maoist army personnel and weapons would be under the supervision, control and direction of the special committee, and from the beginning of the process the Maoist combatants would have no involvement with any political organization, having to opt for either political or military responsibilities. The Agreement provides that a request will be made for the United Nations to continue for a further six months "its current work of monitoring the management of arms and armies" in accordance with the terms of the Agreement on Monitoring the Management of Arms and Armies.

10. The negotiation of the Agreement and the consequent amendments to the Interim Constitution have involved significant compromises among the three largest parties, and were not easy to achieve. Full consensus was not reached, especially with regard to the allocation of major posts among potential coalition parties and agreement on candidates who could be elected by consensus. The Nepali Congress has insisted that, as the second-largest party, it should be able to nominate its candidate to the presidency, and that it may otherwise remain in opposition. The newly elected Madhesi parties, which were not included in the negotiations, prevented the tabling of the bill at the Assembly meeting on 28 June, when they disrupted the proceedings. They demanded that commitments made to them, notably in the agreement of 28 February between the Government and the United Democratic Madhesi Front, should be reflected in constitutional amendments. Their disruption of the Assembly sessions continued in the following days. Meanwhile, following meetings between leaders of CPN (M), NC and UML with the Madhesi parties, the three major parties established a task force to draft a supplementary bill containing constitutional amendments aimed at addressing key Madhesi concerns.

11. Some progress has been made in establishing committees to handle the regular business of the Assembly and to oversee the drafting of the rules of procedure for its dual functions of drafting a new constitution and acting as a legislature, but the substantive work of the Assembly has yet to commence. Newly elected members of the Assembly, in which 25 political parties are represented, have begun to question their relevancy as negotiations have been conducted principally among the three largest parties and other members of the Seven-Party Alliance.

12. The delays in political negotiations have also had a negative impact on the work of the interim Government, the functioning of which has been affected not only by the resignation of the UML ministers in April but also by a similar decision of the Maoist ministers in June. The Government is facing urgent challenges, including the preparation of the budget for the next fiscal year, which must be submitted by mid-July. Other challenges include the recent rise in fuel prices, food shortages in remotely located communities and delays in the delivery of educational materials to schools, all of which require immediate attention as protests grow around the country.

13. As I noted in my previous report, many of the commitments in the Comprehensive Peace Agreement, the 23-point agreement of 23 December 2007 and other agreements remain unfulfilled. Of particular concern is the fact that no progress was made during this period regarding the discharge from the Maoist cantonments of minors and others found ineligible by UNMIN verification. The Maoist leadership maintains that it remains committed to their discharge as soon as a new government is in office.

III. Status of the United Nations Mission in Nepal

14. After the successful completion of the election on 10 April, including repolling in 106 polling centres, electoral staff were withdrawn from the districts and regions, and the Electoral Assistance Office closed on 31 May. The number of arms monitors has declined, as tours of duty have come to an end: as of 30 June, there were 155 arms monitors remaining out of the authorized strength of 186. At this date, UNMIN overall staffing was 802 out of the authorized 1,045 personnel. In preparation for the end of the mandate of UNMIN on 23 July, an end-of-mission task force was established in May with two main objectives, namely, (a) to ensure an effective transfer of residual tasks to the United Nations system in Nepal and (b) to assist staff, both national and international, to apply for alternative employment.

15. I regret to report that the status-of-mission agreement still has not been signed. However, the final issues regarding payments to the Civil Aviation Authority of Nepal have now been resolved and a memorandum of understanding between UNMIN and the Civil Aviation Authority of Nepal governing the payment of services rendered to UNMIN was signed on 15 May. The status-of-mission agreement has to be approved by the Cabinet before it is signed on behalf of the Government of Nepal.

IV. Activities of the United Nations Mission in Nepal

A. Arms monitoring

16. The UNMIN Arms Monitoring Office has continued to monitor the compliance of the Nepal Army and the Maoist army with the Agreement on Monitoring the Management of Arms and Armies. This task has been carried out with a declining proportion of the authorized strength, since 22 arms monitors left the Mission between 10 April and 30 June and were not replaced, in view of the imminent end of the UNMIN mandate. Of the 155 arms monitors currently in place, 65 will end their tour of duty by mid-July. As a result, 90 arms monitors will remain in the Mission, able to operate beyond 23 July, should the current mandate be extended.

17. As part of its downsizing plan, the Arms Monitoring Office has reorganized its deployment from the original five sectors to three — East (Biratnagar), Central (Kathmandu) and West (Nepalgunj) — in order to maintain effective monitoring with the smaller arms monitoring team until the end of the current mandate. By mid-July, these sectors will in turn be disbanded and all operations other than the round-the-clock surveillance of the weapons storage areas will be conducted by mobile teams from these sectors and from the headquarters of the Arms Monitoring Office in Kathmandu. This process is designed to ensure continuity of operations

with the available resources until the end of the current mandate and beyond it, if requested, for a limited period of time. The restructuring also involved the disbanding of the joint monitoring teams in all sectors as from 30 May.

18. The Joint Monitoring Coordinating Committee, chaired by the Chief Arms Monitor, has continued to be an effective mechanism for the implementation of the Comprehensive Peace Agreement and the Agreement on Monitoring the Management of Arms and Armies. The two Vice-Chairpersons, who are senior officers from the Nepal Army and the Maoist army respectively, have continued to cooperate closely on decision-making, exchanging information, confidence-building measures and resolution of disputes. As at 20 June, the Committee had held 77 meetings. From 24 April to 30 June, 17 meetings were held during which consensus decisions were made on four cases submitted to the Committee. In addition, several bilateral meetings have been held to ensure prompt implementation of the Committee's decisions.

19. At its 73rd meeting, the Committee discussed the reports connected with the death of a Kathmandu businessman as a result of severe beating by Maoist army personnel in the main cantonment site in Chitwan district. The Committee agreed by consensus that that act was a serious violation of the Agreement on Monitoring the Management of Arms and Armies. UNMIN issued a statement strongly condemning the killing and calling on the Maoists to cooperate fully with the police to ensure that all those responsible for ordering or carrying out the abduction or killing are apprehended and punished in accordance with the law. A Judicial Investigation Commission was established by the Government to investigate the killing and UNMIN is cooperating in providing assistance on certain aspects of its inquiries (see also para. 55).

20. The Arms Monitoring Office has conducted a full audit of Maoist army weapons stored at the seven main cantonments and used for perimeter security at all 28 main and satellite sites, as well as those held by the Maoist leadership security detachment in Kathmandu. This exercise included inspection and renewed bar-coding and the classification of different categories of weapons according to serviceability. The findings of the assessment will be available as a resource for future decisions of the special committee provided for in the Comprehensive Peace Agreement and the Interim Constitution to supervise, rehabilitate and integrate the personnel of the Maoist army when this is reconstituted by a new government.

B. Mine action

21. Since January 2007, the UNMIN Mine Action Unit has supported the Nepal Army and the Maoist army in fulfilling their obligations under the Agreement on Monitoring the Management of Arms and Armies. The Unit has completed the destruction of all improvised explosive devices at Maoist army cantonment sites. Over 7,250 kilograms of explosive items including 14,682 improvised explosive devices have been destroyed at nine locations.

22. The Mine Action Unit has also been working with the Nepal Army in developing a national mine clearance capacity, so that the 53 anti-personnel minefields laid by the Nepal Army during the civil conflict can be cleared, as required by the Comprehensive Peace Agreement. As at 20 June, 80 personnel of the Nepal Army Directorate of Engineers had been trained, four minefields had been

fully cleared, two partially cleared, and a further two were close to completion. Good progress has been made in the development of the Nepal Army mine-clearance capacity, although continued support is needed to ensure that the Nepal Army has the capacity to fulfil its commitments under the Comprehensive Peace Agreement.

23. UNMIN, in conjunction with the United Nations Resident Coordinator, has been consulting with government authorities to ascertain their intentions regarding the continuation of United Nations mine action support beyond the end of the Mission's current mandate. The United Nations stands ready, if requested by the Government of Nepal, to continue to provide support on management, coordination and operational matters to ensure that the landmine problem is addressed.

C. Electoral support

24. On 8 May, the Election Commission announced the final results of the Assembly election held on 10 April for 575 of the 601 Assembly seats. Subsequently, the Commission issued a directive to the five Assembly members who had won seats in two constituencies in the first-past-the-post segment of the polls to resign from one of the constituencies by 7 June. The Commission then announced that by-elections would be held in the five remaining constituencies, provisionally in October, after the end of the monsoon season. The Election Commission has published a compendium of the Assembly election statistics and has issued its annual report.

25. By 31 May, 12 election-related complaints, all concerning the first-past-the-post segment, had been filed with the Constituent Assembly Court. Most complaints allege that "booth capturing", or irregularities at specific polling stations, had affected the election results. The Constituent Assembly Court has up to three months to deliver a verdict. As at 20 June, two winning candidates had been issued with Interim Orders (which are provisional and can be appealed) that precluded them from being sworn in and participating in the work of the Assembly. In two cases Interim Orders were denied. The Court still has to present its final judgements on all the cases.

26. The Election Commission held an evaluation workshop for the 240 chief returning officers and returning officers on 18 May. The event, attended by the UNMIN Electoral Assistance Office, provided an opportunity for the returning officers both to discuss the nationwide election process and to present recommendations for the conduct of future elections. An evaluation workshop for 75 Election Commission district electoral officers was held on 4 and 5 June, in which the Electoral Assistance Office also participated. Participants in both workshops concluded that the Electoral Assistance Office had played a positive role, especially in terms of increasing the visibility of the Electoral Commission and enhancing public confidence in the electoral process at the district level.

27. The Electoral Assistance Office conducted debriefings of the UNMIN District Electoral Advisers, in the regional headquarters at the end of April and in Kathmandu on 12 and 13 May, with the participation of Election Commission counterparts and representatives from the headquarters of the United Nations Volunteers in Bonn. The final debriefing of the regional electoral advisers and headquarters advisers was held in Kathmandu on 21 May. Conclusions,

recommendations and lessons learned from the various consultations were included in the final report of the Office, which closed on 31 May.

28. During the period under review, I received the final assessment report submitted by the Electoral Expert Monitoring Team following its last visit to Nepal from 5 April to 8 May 2008. The report provided an overall positive technical assessment of the electoral process. The assessment, based on information gathered from a broad representation of stakeholders, covered various aspects of the process such as electoral management, the legal framework, support to the media, and the political and security situation. In its concluding remarks, the Team recommended that several issues in such areas as voter registration and the legal framework needed to be addressed in the future.

D. Civil affairs

29. The UNMIN Office of Civil Affairs has noted that since the Assembly election there has been a gradual increase in criminal activities by armed groups, notably abduction for ransom, extortion, and the detonation of improvised explosive devices, mainly in the central and eastern Tarai. UNMIN has received reports of 270 incidents, involving 41 deaths, 47 abductions and 44 detonations of improvised explosive devices, recorded in the two months after the election.

30. The increase in armed group activities is attributed to a number of interconnected factors, among them the withdrawal of police forces deployed during the electoral period, the emergence of new armed groups encouraged by the absence of effective policing, the difficulties of controlling the cross-border movement of armed groups and criminal elements, a resurgence of protest campaigns to press for the fulfilment of Madhesi demands, and efforts to oppose increased Maoist and YCL activities in the Tarai.

31. After an initial calm in the first week after the poll, violent activities attributed to YCL and other Maoist cadres also increased, YCL continuing its quasi-security activities. These have included the operation of parallel administrative structures, unofficial "law enforcement" actions, influencing the process of application for and granting of government tenders, and physical assaults and intimidation against supporters of rival parties, journalists and others. In recent weeks, NC, UML and MPRF have either established youth wings or issued instructions to their own youth wings, allegedly to counter the perceived threat from YCL, which may lead to an increase in confrontations among these groups.

32. Land-related conflict has long been a complex problem, further exacerbated by the seizure and redistribution of land and property by the Maoists during the armed conflict. In the Far West and Mid-West regions, protests by landless people have recently increased, while the return of agricultural land confiscated or occupied during the conflict has been a major issue in the negotiations among the political parties. The Mission's analysis of local conflicts indicates a need to broaden the agenda beyond land return to the adoption of comprehensive land reform policies which would take into account the productivity of arable land and the need to provide systemic solutions to the plight of landless people, some of whom are now the beneficiaries of confiscated lands.

33. Following the Assembly election, the Office of Civil Affairs shifted the focus of its work from monitoring and reporting on election-related violence to working more closely with national institutions and the United Nations country team with a view to enabling continuity of its work. This process has included cooperating with the Ministry of Peace and Reconstruction on revising the terms of reference of the local peace committees, which it was envisaged would be set up in the districts to monitor the Comprehensive Peace Agreement. UNMIN teams have been working with local administrations and civil society at the district and sub-district levels helping to build relations between Government actors and local groups, in particular historically marginalized groups.

34. In each region UNMIN has undertaken various initiatives to help to address local-level challenges to the peace process through its good offices, in partnership with relevant national institutions and United Nations agencies. These partnerships seek to ensure that support for these initiatives will endure beyond the current UNMIN mandate.

E. Gender, social inclusion and child protection

35. The work of the Gender Affairs Section has continued to focus primarily on the Assembly and the role of its elected women members. Approximately one third of the 575 members of the Assembly are women, making Nepal fourteenth out of 135 countries ranked according to the number of women in their elected national parliaments. The Section's regional teams continued to advocate women's participation in political life. They interacted with the women Assembly members both to assist in confidence-building and to raise awareness on policy issues to be addressed by the Assembly, notably women's rights and the inclusion of women's concerns in the Constitution-drafting process. The teams have sought to encourage the establishment of networks of local women's groups to ensure that the Assembly is informed of major issues of concern in the districts. They have also continued to provide technical assistance to a number of organizations on strategies concerning policy-making on women's issues.

36. With regard to the drawdown of the Mission, the Section identified a number of issues to be addressed by other partners, in particular the United Nations country team. Such issues entail facilitating women's political empowerment and engagement in the Assembly process as well as support and facilitation for the inclusion of women, especially those from historically marginalized communities, in local peacebuilding efforts.

37. The Social Affairs Section analysed the Assembly election results in terms of the representation of historically marginalized groups. As reported previously, these groups — Dalits, Janajatis, Madhesis and religious minorities — are represented in the Assembly in greater numbers and higher percentages of the membership than in any other national elected body in Nepal's history. However, Dalit and Janajati populations are underrepresented compared to the size of their populations, and Janajati groups have raised concerns about the lack of representation from each of the acknowledged 59 Janajati groups. They have cited this lack of full representation in the Assembly as a violation of the agreement of 7 August 2007 between the Government and the Nepal Federation of Indigenous Nationalities, and

have pressed for the 26 Assembly members to be nominated by the Council of Ministers to include members of communities not otherwise represented.

38. Social Affairs Officers in the five regions undertook field missions in 15 districts where they met with community members and organizations representing historically marginalized groups. Their interlocutors expressed general support for the election results, noting that the inclusive Assembly should ensure that their interests are represented in the drafting of the new Constitution. UNMIN has supported efforts of local and national-level non-governmental organizations to promote awareness among these groups about the Constitution-drafting process and its implications.

39. Social Affairs Officers have continued to meet with communities and local, regional and national-level organizations representing historically marginalized groups to monitor the peace process issues relevant to these groups. Their findings indicate that these communities are concerned about their representation in decision-making processes at all levels; increased employment opportunities, especially for youth; improved food security and provision of basic services such as health care; proper implementation of legal provisions deterring discriminatory social practices; and solutions to issues of landlessness. The Section has continued to work in close coordination with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other relevant United Nations country team partners regarding information on historically marginalized groups and their participation in the peace process at all levels, and is conveying to those partners information that can contribute to their future work to promote social and political inclusion.

40. The Child Protection Section monitored the situation of children in Maoist army cantonment sites as well as those informally released from cantonments. On 12 May, the Government, the Maoists and the United Nations met for the first time to discuss measures for the discharge from the Maoist army of disqualified personnel in addition to children. The Maoists stated that discharge will not take place before the formation of a new government, although the Comprehensive Peace Agreement requires their immediate release. The Government and the Maoists agreed to hold a subsequent bilateral meeting on this issue, which has not yet been held.

41. In conjunction with OHCHR and the United Nations Children's Fund (UNICEF), the Section continued to monitor the impact of violence in the Tarai on children's lives. Such violence claimed the life of a 12-year-old boy who was killed in a bomb explosion for which the Akhil Tarai Mukti Morcha claimed responsibility. Other groups in the Tarai planted bombs in schools and clinics that injured children, and there were a number of reports of kidnapping of children, some linked to the political affiliations of their families.

42. The delay in the release of children from cantonments poses several challenges to the peace process. Furthermore, many children and young people who were previously involved in the conflict have been left without much recourse. There is an urgent need to direct their energies towards constructive activities. In May, the Section interviewed more than 100 children (older than 12 years of age) from different backgrounds across Nepal about their expectations. Employment was a widespread concern, many hoping that they would be able to find work in Nepal rather than having to migrate.

F. Political affairs

43. The UNMIN Political Affairs Office continued to monitor and analyse the political situation in the country and assist the Mission leadership in its efforts to support the peace process. UNMIN political affairs officers continued to meet regularly with political stakeholders, including government officials, representatives of political parties and civil society organizations as well as regional and international actors. The activities of small militant groups — both armed and unarmed — and their potential to disrupt the peace process were monitored. The Office continued to assess the status of implementation of the Comprehensive Peace Agreement as well as other pertinent agreements. The Office provided briefings to the United Nations country team and meetings of the wider international community. It is closely following the post-election dynamic within and between the political parties as well as the evolving role and impact of historically marginalized groups on national politics. The Office has observed the initial proceedings of the Assembly.

G. Public information and outreach

44. During the reporting period national and international media focused in particular on the inaugural session and subsequent meetings of the Assembly, the negotiations between political parties on government formation and the departure of former king Gyanendra from the Narayanhiti Palace after an address to the media. The possible future role of UNMIN was also a subject of media attention.

45. The first session of the Assembly on 28 May refocused the attention of the international media on Nepal after the election of 10 April. I issued a statement congratulating the people of Nepal on the historic convening of the Assembly. My Special Representative gave numerous briefings and interviews regarding the conduct of the election and the remaining challenges in the peace process.

46. UNMIN public information products continued to focus on the post-election activities of the Mission and the challenges to the peace process. They included a radio programme broadcast in six languages, and two issues of the UNMIN newspaper. The public information team prepared a number of products to document the work of the Mission, including a book and several short films about United Nations support to the peace process, and a book on women and the peace process.

47. The public information team also worked closely with the Resident Coordinator in planning a public information strategy for the United Nations country team beyond the end of the current mandate of UNMIN.

48. The Translation and Interpretation Unit continued to work closely with the Public Information and Outreach Section, as well as all substantive and administrative sections of the Mission, in order to provide rapid, consistent and accurate translations and interpretation. The Unit oversaw and completed the movement of its workflow manager and machine-assisted translation tool on to a public, password-protected online server. Discussions were undertaken with the United Nations country team regarding the possible transfer of the Unit's capacity to the team at the end of the UNMIN mandate.

H. Safety and security

49. Following the Assembly election, the security situation remained generally calm across the country. In the central and eastern Tarai patterns of violence similar to those that had been seen prior to the election have continued and the police report increased criminal activity. There has been no direct threat against United Nations personnel and property. Coordination and cooperation between the UNMIN Safety and Security Section and the Nepal Office of the Department of Safety and Security remain strong and focused on ensuring that staff members remain vigilant and comply with existing United Nations security and movement procedures.

V. Mission support

50. In anticipation of the end of the mandate, UNMIN Mission Support has developed a number of human resource initiatives to assist international and national personnel to identify future employment opportunities. An inventory of national staff skills has been compiled and made available to the United Nations agencies, funds and programmes in Nepal; training workshops have been organized, open to all Mission staff, to improve computing, interview and report-writing skills; and job centres have been established in Kathmandu and regional headquarters to provide administrative assistance to departing staff. The Field Personnel Division of the Department of Field Support is also reviewing the qualifications of national and international staff who are interested in employment with other field missions, and has deployed a specialist team to the Mission to facilitate the process.

51. Following the departure of the electoral advisers in May and the restructuring of the Arms Monitoring Office, Mission Support has been transporting surplus equipment from the regional headquarters to Kathmandu, and preparations have commenced for the transfer and disposal of assets.

VI. Human rights

52. The human rights situation has not improved since the election, in particular the situation in the Tarai. The resurgence of armed group activity highlighted the weakness of the law enforcement capacity of the police, particularly with regard to protecting the civilian population. At the same time, OHCHR has investigated two cases in which members of armed groups were allegedly extrajudicially executed by police, bringing to at least 18 the number of alleged unlawful killings by police in 2008. In most cases, there has been no serious attempt to investigate the killings. In the case of the seven Maoists shot dead by the security escort of an electoral candidate on 8 April, however, a special investigative commission was established and is expected to submit its report to the Government in July.

53. On 28 May, three people were killed and seven injured when Nepal police opened fire on a violent crowd of protestors in front of the District Administration Office in Kailali. The protest followed the serious assault on a journalist on 27 May by a group of people, including Maoist cadres, for publishing a story that criticized the Maoists. At the time of the protest, journalists and a representative of the Federation of Nepalese Journalists were meeting with authorities inside the District Administration Office. An investigation by OHCHR concluded that the police used

excessive force to control the crowd, and raised concerns that the authorities failed to intervene and arrest those responsible for the assault on the journalist, which occurred in the presence of the Chief District Officer and a local police chief.

54. The election results, combined with uncertainty as to the composition of the future government, appear to have led to an increased reluctance on the part of the police to take action against Maoist cadres implicated in criminal activity and human rights abuses. Despite its leading position following the election, the Maoist leadership has not taken effective steps to stop human rights abuses by YCL and other Maoist cadres. There were numerous reports of such abuses, including threats, physical assault and abductions. They received considerable media attention and political parties, as well as civil society, continued to call on the Maoists to ensure that their cadres respected the law. Where these incidents have been investigated by OHCHR, findings suggest that many relate to the consolidation of Maoist control at the district and, in particular, sub-district levels following the election.

55. In the most serious incident, a Kathmandu businessman abducted by Maoist army personnel on 27 April died early in May as a result of severe beating in the main cantonment site in Chitwan district. Judicial proceedings were initiated against three Maoist army personnel charged with the killing, one of whom, a Brigade Commander, is in pre-trial detention. The Government established a Judicial Investigation Commission to look into the killing, which the Maoists claimed was committed by "low-level cadres" (see also para. 19).

56. The Government has made no progress towards the establishment of transitional justice mechanisms, nor has it taken steps to address impunity. Support by OHCHR to conflict victims included, in Bardiya district, assistance to an association of the families of individuals who disappeared following their arrest by security forces. In that regard, OHCHR submitted 135 disappearance cases to the Working Group on Enforced and Involuntary Disappearances.

57. In connection with the killing by the then Royal Nepal Army personnel of a UML cadre in Dang in 2005 and 36 labourers in Kalikot district in 2002, the Supreme Court issued a directive on 12 May ordering the Government to promulgate legislation to criminalize the excessive use of force by security forces personnel and to compensate any victims of such use of force. The Court also directed the authorities to investigate and prosecute security forces personnel involved in the killings.

58. OHCHR, in consultation with the National Human Rights Commission, is seeking to increase activities to contribute to building the Commission's capacity in a mutually cooperative manner. These activities have included a joint project in the Far West region to address the issues of landlessness, forced eviction and economic, social and cultural rights. In the East region, OHCHR, the National Human Rights Commission and a national human rights organization conducted a workshop for police and health officials to address the problem of detainees' access to medical care in police custody as well as links to cases of torture and ill-treatment.

59. OHCHR will continue to play an important role in the next period, both in the promotion and protection of human rights and in the prevention of violence, especially through its monitoring activities in all regions of the country.

VII. United Nations country team coordination

60. Since the election, the United Nations country team has reviewed both its common and individual agency plans to assess how best to respond to this phase in the peace process. In order for the progress to date to continue, and to ensure lasting results, the next phase in the process will put a premium on successful implementation of concrete development actions that can deliver changes in the daily lives of the people of Nepal who seek a constructive and peaceful future.

61. As anticipated in the United Nations Development Assistance Framework for Nepal 2008-2010, country team members are already supporting the peace process in a number of ways. This support includes assistance to the Election Commission and the electoral process; support to strengthen the National Human Rights Commission and other local institutions; development of a plan of action for the implementation of Security Council resolution 1325 (2000); assistance on statelessness issues in Nepal; advice on the establishment and functioning of the Assembly; assistance to UNMIN with cantonment administration and management of data concerning the arms of both the Nepal Army and the Maoist army, including support for the inspection and the renewed bar-coding of Maoist army weapons; preparation of a discharge strategy and reintegration assistance packages for Maoist army personnel verified as late recruits and minors; capacity development assistance to the Ministry of Peace and Reconstruction; notably assistance to the Peace and Conflict Management Committee; support to the management of the Government's Nepal Peace Trust Fund; and food assistance to more than half a million conflict-affected people, including former internally displaced persons.

62. A country team peacebuilding support strategy for Nepal is currently in preparation to add greater detail to the outline of the United Nations Development Assistance Framework, and to ensure that the country team's work in this field remains coherent and focused on areas of particular comparative advantage of the United Nations. The country team will be exploring with the Government and other key stakeholders the details of such a strategy with attention to three key areas:

(a) State transformation, including support for the Assembly and public participation and consultation in the Constitution-making process, policy advice on options for State restructuring, and support for the inclusion of historically marginalized groups in State institutions. The anticipated Peace and Rehabilitation Commission could also be assisted, for example through helping to strengthen government coordination on peace support, including the Nepal Peace Trust Fund, and a stock-taking exercise and assistance to the Government and the donor community in the articulation of a peace and development framework;

(b) Recovery, including accelerating delivery of basic services to conflict-affected and disadvantaged groups through, inter alia, food for work, school feeding, initiatives focusing on women's and children's special needs, and agricultural recovery. Targeted initiatives would focus especially on youth, for example, through employment generation for youth in conflict-affected and vulnerable areas;

(c) Conflict prevention and reconciliation, including support for cantonments, for reintegration, for internally displaced persons, for children affected by conflict, and for mine action. If requested, the country team will assist transitional justice initiatives by, inter alia, providing technical advice on such

issues as compensation and reparations for victims of the conflict and support for paralegal committees. Support for local peace structures aimed at reconciliation is also under discussion.

63. The United Nations development and humanitarian mechanisms are gearing up to respond to heightened expectations of their role in the peacebuilding process. Looking ahead, there will remain a need to complement development activities with focused humanitarian action that targets socially marginalized groups as well as households that are vulnerable to a variety of risks. The country faces multiple and complex risks and challenges, which require an integrated and coherent response of the kind the United Nations is uniquely placed to design and deliver.

VIII. Observations

64. In my last report, I said that I did not anticipate a further extension of the mandate of UNMIN, but that my Special Representative and the Resident Coordinator would be in discussion with the new Government once it was formed regarding any assistance it might request for the completion and consolidation of the peace process and for the long-term development of Nepal. The continuing delay in forming a new Government and the political disagreements among the political parties that have surrounded it have not allowed such discussion to take place. However, my Special Representative has been made aware of a broad consensus among the political parties and civil society that a continuing United Nations political presence and monitoring of the management of arms and armed personnel remain important to the completion of the peace process, and in particular to a successful transition regarding the integration and rehabilitation of Maoist army personnel.

65. As noted in paragraph 9 above, the 25 June Agreement contains a consensus decision within the Seven-Party Alliance to request the United Nations to continue for a further six months "its current work of monitoring the management of arms and armies". After a considerable delay caused by the post-election political complications, on 8 July I received a letter from the Permanent Mission of Nepal transmitting the formal request of the interim Government for the continuation of UNMIN "at a smaller scale to engage itself in the remainder of the mandate for a period of another six months from the date of expiry of its current mandate on 23 July 2008". The letter also states: "The remainder of the mandate relates to the ongoing work on monitoring the management of arms and army personnel in line with the agreement among political parties and assisting in implementing the agreement on the management of arms and army personnel as per their understanding."

66. In my last report I also observed that the completion of the peace process remains a challenge, notwithstanding the landmark achievement of the election of the Assembly as the centrepiece of Nepal's political transition. The difficulties of the post-election negotiations have confirmed this, and have displayed the lack of trust between those who constituted the two sides to the original peace process and whose cooperation has been essential to its progress. The CPN (M) feels that its major partners, NC and UML, have been reluctant to recognize its relative victory, and have reopened agreements reached before the 10 April election. The other parties remain mistrustful of CPN (M), while the Maoist army remains and YCL

continues to act outside the law, and believe that it is reluctant to share power according to the election outcome. The Madhesi parties, and other smaller parties, object to their exclusion from a process of decision-making dominated by the three largest parties and feel that their issues have not been given due attention in the post-election negotiations. Although all parties state that they are committed to cooperation in the Constitution-making process, at the time of writing it is far from certain that the new Government will include all major political forces.

67. The issue of the armies has remained of particular difficulty. The 25 June Agreement has set a new framework and time frame for the issue to be addressed, but it has not resolved the disagreements over the extent and manner of integration of Maoist army personnel into the security sector or the need for broader reform and democratization of the security sector.

68. UNMIN will be well placed to assist in the management of arms and army personnel in accordance with the 25 June Agreement. I do not believe that current monitoring arrangements should be necessary for a substantial further period, if the reconstituted special committee that will be in charge of the process takes early decisions which can, for example, reduce the requirement for round-the-clock surveillance at eight weapons storage areas. Previous lack of progress on implementing the provisions of the Comprehensive Peace Agreement regarding the future of Maoist army personnel and the action plan for democratization of the Nepal Army was clearly related to reluctance to address these issues in the period before the Assembly election. The key requirement now is not the continuation of monitoring arrangements so much as the transition to a durable and permanent solution. The United Nations' monitoring role must thus be understood in the context of immediate efforts to reach decisions on the underlying issues, which the United Nations will assist as requested. I believe that monitoring of arms and armed personnel should continue to be provided within the framework of a special political mission which can continue to offer the necessary support for the completion of the peace process.

69. However, the letter I have received from the interim Government lacks the clarity that is required for me to recommend a continuing United Nations presence in the form of a special political mission. I have therefore asked my Special Representative to seek further clarification from the new Government which is expected to be formed soon about the scope of support it would like to receive from UNMIN before I submit my formal recommendation to the Council on the future of UNMIN. Should this matter remain unresolved by the time the Council considers the present report, I would recommend a one-month extension of UNMIN in order to give the new Government time to respond to my request.

70. If however matters are clarified and a six-month extension of the political mission is mandated, the Council should receive a report after three months on progress and further possible downsizing of the Mission since, as indicated above, it should be possible to reduce the requirement for monitoring arms and armed personnel once the special committee begins its work. Financial implications will be absorbed, to the extent possible, within the 2008 budget. Any additional financial needs, if necessary, would be presented in the second half of 2008 to the General Assembly.

71. UNMIN has meanwhile drawn up a contingency plan for a radically downsized mission which could respond to these requirements. As noted above, the Electoral

Assistance Office has already been closed. The Arms Monitoring Office would be maintained, initially at the strength of 90 arms monitors, which is less than half the previous authorized strength but could sustain monitoring obligations under the Agreement on Monitoring the Management of Arms and Armies for a limited period, on the assumption that these would further diminish over time as the special committee commenced its work. The Office of Civil Affairs would also be closed at the end of the current mandate as would all regional offices. The Gender, Social Affairs and Child Protection Sections would be closed, except for the retention of two Child Protection Officers until minors have been discharged from the cantonments. The political staffing would be dependent on whether, based on the clarification I receive from the Government, it is decided to retain a Special Representative at the head of the mission. The plan would effect a reduction of at least 70 per cent in the substantive staffing of UNMIN.

72. The contingency plan for a downsized UNMIN would require continuing but reduced mission support to substantive components, especially the Arms Monitoring Office, while much of the work of liquidation would proceed in parallel, leaving a much more limited liquidation requirement after the end of the mandate extension. The initial reduction in mission support personnel would be approximately 50 per cent.

73. In conclusion, I would like to convey my sincere appreciation to the members of the Security Council and other Member States for their continued support to Nepal. I would also like to express my gratitude for the dedicated efforts of my Special Representative and his staff and their partner organizations in Nepal.

United Nations S/2008/455

Security Council

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Letter dated 11 July 2008 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council

In my capacity as Chairman of the Working Group of the Security Council on Children and Armed Conflict, I have the honour to submit a report on the activities of the Working Group since the submission of my last annual report on 10 July 2007.

I should be grateful if you would have this letter and the enclosed report issued as a document of the Security Council.

(*Signed*) Jean-Maurice **Ripert**

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Annual report on the activities of the Security Council Working Group on Children and Armed Conflict, established pursuant to resolution 1612 (2005) (1 July 2007 to 30 June 2008)

I. Introduction

1. On 26 July 2005, the Security Council adopted resolution 1612 (2005) on children and armed conflict, sponsored jointly by Benin and France.

2. In paragraph 8 of the resolution, the Council decided to establish a working group of the Security Council to review the reports of the mechanism referred to in paragraph 3 of the resolution, to review progress in the development and implementation of the action plans mentioned in paragraph 7 of the resolution and to consider other relevant information presented to it; and decided further that the working group should:

(a) Make recommendations to the Council on possible measures to promote the protection of children affected by armed conflict, including through recommendations on appropriate mandates for peacekeeping missions and recommendations with respect to the parties to the conflict;

(b) Address requests, as appropriate, to other bodies within the United Nations system for action to support implementation of the resolution in accordance with their respective mandates.

3. Pursuant to resolution 1612 (2005), the Chairman of the Working Group submitted reports to the Council on developments in relation to the Working Group for the periods from 1 July 2005 to 30 June 2006 (S/2006/497) and from 1 July 2006 to 30 June 2007 (S/2007/428). Since the issuance of the latter report, the Working Group has held seven formal meetings, on 19 July, 18 September and 6 December 2007 and on 5 February, 21 February, 8 May and 20 June 2008. Following each of those meetings, the Chairman issued a brief press release; all the press releases are available on the website of the Permanent Mission of France to the United Nations.

II. Substantive issues addressed

9th meeting

4. At its 9th meeting, on 19 July 2007, the Working Group adopted conclusions with respect to the reports of the Secretary-General on children and armed conflict in Somalia (S/2007/259) and Uganda (S/2007/260). Those conclusions were published as documents S/AC.51/2007/14 and S/AC.51/2007/12, respectively. The Chairman of the Working Group then carried out the tasks entrusted to him in the context of those conclusions, including by drawing the attention of the Security Council to the need to follow up on the recommendations addressed to it.

5. At that meeting, the Group also discussed the report of the Secretary-General on children and armed conflict in Chad (S/2007/400). The Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy, introduced the Secretary-General's report and recalled its main conclusions:

(a) The security situation in Chad had worsened, triggering an unprecedented humanitarian crisis and the displacement of hundreds of thousands of people. Those circumstances had created an environment in which children suffered abuses and the perpetrators went unpunished;

(b) The recruitment of children by all the parties to the conflict had increased sharply in eastern Chad, particularly in camps for refugees and displaced persons, and many children had been forced by their own communities to join self-defence groups. The nature and fragmentation of the armed groups made the extent of the phenomenon even more difficult to ascertain;

(c) There had been an alarming increase in sexual violence and in the culture of impunity surrounding those crimes;

(d) The Secretary-General recommended that the international community should rapidly intervene in Darfur and eastern Chad to provide security and protection for the most vulnerable populations, and also that the culture of impunity should be addressed. He noted that the Government of Chad had begun to engage in dialogue.

6. The Permanent Representative of Chad presented the point of view of his Government. The Group then held an exchange of views and, following the discussion, the experts were given the task of negotiating draft conclusions of the Group that would provide concrete follow-up to the Secretary-General's report.

7. The main elements of the statement made by the representative of the State concerned and of the exchange of views among the members of the Group are reflected in the summary contained in the conclusions subsequently adopted by the Working Group at its 10th meeting (S/AC.51/2007/16).

8. At its 9th meeting, the Working Group also discussed the report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo (S/2007/391). The Special Representative of the Secretary-General for Children and Armed Conflict introduced the report and recalled its main conclusions:

(a) In that second report, the Secretary-General noted the progress made in the Democratic Republic of the Congo since the issuance of the first report (S/2006/389): a 20 per cent decrease in the number of child killing and maiming incidents documented, an 8 per cent decrease in the recruitment and use of children and the release of most of the children associated with armed groups;

(b) The trial of Thomas Lubanga by the International Criminal Court would be the first in which the only charge to date was the recruitment and use of children in armed conflict; the Office of the Special Representative would soon file an amicus curiae brief in the context of that trial;

(c) The situation in the provinces of Ituri and Kivu was of grave concern, as children continued to be recruited and to suffer sexual violence in a climate of impunity. The Forces démocratiques de libération du Rwanda (FDLR), in particular, continued to attack and terrorize the population;

(d) There was a need for the national and international authorities to devote greater attention to disarmament, demobilization and reintegration issues, as a large number of demobilized children were still awaiting appropriate care and follow-up;

(e) Lastly, perpetrators of violations of children's rights had not always been brought to justice, despite the Working Group's recommendations; some of them had been arrested, but had subsequently escaped.

9. The Permanent Representative of the Democratic Republic of the Congo presented the point of view of his Government. The Group then held an exchange of views and, following the discussion, the experts were given the task of negotiating draft conclusions of the Group that would provide concrete follow-up to the Secretary-General's report.

10. The main elements of the statement made by the representative of the State concerned and of the exchange of views among the members of the Group are reflected in the summary contained in the conclusions subsequently adopted by the Working Group at its 10th meeting (S/AC.51/2007/17).

11. Daniel Toole, Deputy Executive Director and Director of the Office of Emergency Programmes of the United Nations Children's Fund (UNICEF), then presented the Secretary-General's "horizontal note", placing particular emphasis on the situation of children in the occupied Palestinian territories, Sri Lanka and the Sudan:

(a) In the occupied Palestinian territories, the number of children killed or injured as a result of the conflict had increased in the most recent period, and the restrictions on movement had adversely affected access to education;

(b) In Sri Lanka, children continued to be recruited by armed groups and to be killed or injured in the conflict; humanitarian access was insufficiently guaranteed. The Liberation Tigers of Tamil Eelam (LTTE) and the Karuna group were still recruiting and, in some cases, even re-recruiting children. However, for the first time, the number of children released had exceeded the number of children recruited. Lastly, the Government of Sri Lanka had established a structure specifically tasked with following up on violations related to Security Council resolution 1612 (2005);

(c) In the Sudan, on 11 June 2007, UNICEF had signed an action plan with the Minawi faction of the Sudan Liberation Army (SLA), which had pledged to end recruitment and release all children under the age of 18. That agreement represented a very important advance in the protection of children in the Sudan.

12. The Special Representative of the Secretary-General reported to the Group on her visit to Myanmar in the context of the establishment of the monitoring and reporting mechanism provided for in Security Council resolution 1612 (2005).

13. Lastly, the Chairman of the Working Group reported on his contacts with the countries whose situations were referred to in annex II to the Secretary-General's report on children and armed conflict (A/62/609-S/2007/757). In particular, he welcomed the confirmation by the Government of the Philippines that it had decided to accept the establishment of the monitoring and reporting mechanism provided for in Security Council resolution 1612 (2005). He also reported on the positive nature of his contacts with the Government of Colombia on that issue, which gave reason to hope that progress would be made in the discussions between the Secretariat and the Colombian authorities on the establishment of the monitoring and reporting mechanism.

10th meeting

14. At its 10th meeting, on 18 September 2007, the Working Group adopted conclusions with respect to the report of the Secretary-General on children and armed conflict in Chad (S/2007/400). Those conclusions were published as document S/AC.51/2007/16. The Chairman of the Working Group then carried out the tasks entrusted to him in the context of those conclusions, including by drawing the attention of the Security Council to the need to follow up on the recommendations addressed to it.

15. At that meeting, the Working Group also discussed the draft conclusions on the Secretary-General's report on children and armed conflict in the Democratic Republic of the Congo (S/2007/391). As no consensus was reached at the meeting, the conclusions were subsequently adopted under the no-objection procedure on 15 October 2007 and were published on 25 October 2007 as document S/AC.51/2007/17. The Chairman of the Working Group then carried out the tasks entrusted to him in the context of those conclusions, including by drawing the attention of the Security Council to the need to follow up on the recommendations addressed to it.

16. Also at the 10th meeting, the Group discussed the report of the Secretary-General on children and armed conflict in Côte d'Ivoire (S/2007/515). The Special Representative of the Secretary-General introduced the report and made the following points:

(a) Developments in Côte d'Ivoire since the issuance of the first report (S/2006/835) constituted a model of success and effectiveness and showed that the Group's determination to ensure compliance with resolution 1612 (2005), together with the threat of sanctions, had worked. During her visit to the country, the Special Representative had found that the action plans and their implementation were satisfactory. Accordingly, in consultation with all partners, Côte d'Ivoire had been removed from the list annexed to the Secretary-General's December 2007 report on children and armed conflict;

(b) However, while child recruitment had ceased, many cases of sexual violence had been reported, and those crimes continued to go unpunished.

17. The Permanent Representative of Côte d'Ivoire presented the point of view of his Government. The Group then held an exchange of views and, following the discussion, the experts were given the task of negotiating draft conclusions of the Group that would provide concrete follow-up to the Secretary-General's report.

18. The main elements of the statement made by the representative of the State concerned and of the exchange of views among the members of the Group are reflected in the summary contained in the conclusions subsequently adopted by the Working Group at its 11th meeting (S/AC.51/2008/5).

19. Also at its 10th meeting, the Working Group also discussed the report of the Secretary-General on children and armed conflict in the Sudan (S/2007/520). The Special Representative of the Secretary-General introduced the report and recalled its main conclusions:

(a) That second report highlighted the improvement in the overall situation in the Sudan since the issuance of the first report (S/2006/662), but also the continuing concerns with respect to the situation in Darfur. During her visit to the

region, the Special Representative had noted the deterioration of the social fabric and of traditional structures, which had engendered a climate of insecurity for the population and impunity for perpetrators of violations;

(b) In Darfur, particularly in refugee camps, children were subject to ongoing abuses: recruitment, sexual violence and abduction were on the rise. The situation of insecurity was seriously disrupting humanitarian access to the population;

(c) Lastly, during the Special Representative's visit, the authorities and some of the armed groups had undertaken commitments for the protection of women and children (including the signing of an action plan by UNICEF and the Minawi faction of SLA), and the monitoring and reporting process was becoming more and more rigorous and systematic.

20. The Permanent Representative of the Sudan presented the point of view of his Government. The Group then held an exchange of views and, following the discussion, the experts were given the task of negotiating draft conclusions of the Group that would provide concrete follow-up to the Secretary-General's report.

21. The main elements of the statement made by the representative of the State concerned and of the exchange of views among the members of the Group are reflected in the summary contained in the conclusions subsequently adopted by the Working Group at its 11th meeting (S/AC.51/2008/7).

22. Hilde Johnson, Deputy Executive Director of UNICEF, then presented the Secretary-General's "horizontal note", placing particular emphasis on the situation of children in the Democratic Republic of the Congo and in Somalia:

(a) In the Democratic Republic of the Congo, the situation in the province of North Kivu had once again deteriorated. Many cases of child recruitment had been documented. Children were used not only for combat but also as cooks, spies or escorts. In addition, cases of rape and sexual violence against children were of grave concern. The third phase of the disarmament, demobilization and reintegration programme had begun in the province of Ituri on 4 August 2007: 201 children had been released, but 40 of them had reportedly been re-recruited;

(b) In Somalia, the number of children killed or injured had increased as a direct result of continued insecurity and an escalation in violence. Children continued to be recruited and used by the various parties to the conflict; in particular, they were used to hide explosive devices.

11th meeting

23. At its 11th meeting, on 6 December 2007, the Working Group discussed the Secretary-General's report on children and armed conflict in Myanmar (S/2007/666).

24. The Special Representative introduced the report of the Secretary-General on children and armed conflict in Myanmar and recalled its main conclusions:

(a) The Government of Myanmar had agreed to the establishment of the monitoring and reporting mechanism and the related country task force, but access to conflict areas and recruitment centres needed to be improved;

(b) Access to conflict areas was also necessary for the purpose of assessing the needs of the population, especially children;

(c) The recruitment and use of children remained a cause of concern. However, the Government of Myanmar had taken specific measures to combat that phenomenon, establishing a high-level committee on the issue, and the Karen National Union and Karenni National Progressive Party armed groups had signed "Deeds of Commitment" in April 2007, with a view to ending and preventing the recruitment and use of children.

25. The Permanent Representative of Myanmar presented the point of view of his Government. The Group then held an exchange of views and, following the discussion, the experts were given the task of negotiating draft conclusions of the Group that would provide concrete follow-up to the Secretary-General's report.

26. The main elements of the statement made by the representative of the State concerned and of the exchange of views among the members of the Group will be reflected in the summary contained in the conclusions to be formally adopted by the Working Group at its next meeting, to be held early in July 2008.

27. Also at its 11th meeting, the Group discussed the report of the Secretary-General on children and armed conflict in Burundi (S/2007/686). The Special Representative of the Secretary-General introduced the Secretary-General's report and recalled its main conclusions:

(a) In that second report, the Secretary-General highlighted the numerous advances made since the issuance of the first report (S/2006/851 and Corr.1) and the recommendations of the Working Group: the release in March 2007 of children still being detained because of their association with armed groups; the considerable decrease, in the wake of the ceasefire, in reported cases of killing and maiming; and the commitments made by the Government of Burundi to bring to justice a growing number of members of the security forces responsible for serious violations of children's rights;

(b) However, the Forces nationales de libération continued to recruit and use children, and there had been an 80 per cent increase in the number of reported rapes and other acts of sexual violence against children since the preceding year.

28. The Permanent Representative of Burundi presented the point of view of his Government. The Group then held an exchange of views and, following the discussion, the experts were given the task of negotiating draft conclusions of the Group that would provide concrete follow-up to the Secretary-General's report.

29. The main elements of the statement made by the representative of the State concerned and of the exchange of views among the members of the Group are reflected in the summary contained in the conclusions subsequently adopted by the Working Group at its 12th meeting (S/AC.51/2008/6).

30. The Associate Director and Chief of Child Protection of UNICEF, Karin Landgren, then presented the Secretary-General's "horizontal note", placing particular emphasis on the situation of children in Afghanistan and Nepal:

(a) In Afghanistan, the rising number of suicide attacks by "anti-Government groups" and the use of explosive devices had led to an increase in the number of children killed or injured. Most schools were closed because of threats and attacks

by those groups. Children were used in many capacities, with credible allegations that some of them, mainly boys, were used for sexual purposes by local commanders;

(b) In Nepal, the Government had made progress in honouring its commitment to rehabilitate children who had been recruited by the armed forces and armed groups. However, many children were still being held in cantonments under the control of the Communist Party of Nepal-Maoist. Cases of children who had been released and then forced to return to the cantonments had been documented.

12th meeting

31. At its 12th meeting, on 5 February 2008, the Working Group adopted conclusions on the reports of the Secretary-General on children and armed conflict in Côte d'Ivoire (S/2007/515), the Sudan (S/2007/520) and Burundi (S/2007/686). Those conclusions were published as documents S/AC.51/2008/5, S/AC.51/2008/7 and S/AC.51/2008/6, respectively. The Chairman of the Working Group then carried out the tasks entrusted to him in the context of those conclusions, including by drawing the attention of the Security Council to the need to follow up on the recommendations addressed to it.

32. At the same meeting, at the request of several delegations, the Group took up the issue of its working methods, in particular to follow up on an informal meeting of experts held on 25 January 2008 to address the subject. It was decided that the Chairman of the Working Group should address a letter to the Chairman of the Security Council Informal Working Group on Documentation and Other Procedural Questions to inform him of the issues and questions raised by the Working Group on Children and Armed Conflict in connection with its working methods.

13th meeting

33. At its 13th meeting, on 21 February 2008, the Working Group discussed the report of the Secretary-General on children and armed conflict in Sri Lanka (S/2007/758).

34. Carolina Owens, representing the Special Representative of the Secretary-General, introduced the Secretary-General's report on children and armed conflict in Sri Lanka and recalled its main conclusions:

(a) In the report, the Secretary-General welcomed the commitments made by the Government of Sri Lanka, in particular in relation to the transfer of children to child-appropriate facilities;

(b) However, LTTE and Tamil Makkal Viduthali Pulikal (TMVP) continued to recruit children, although some of them had been released, and neither of those armed groups had implemented a real action plan to prevent the recruitment and use of children;

(c) For the fifth time in a row, LTTE had been included on the list annexed to the Secretary-General's report on children and armed conflict (A/62/609-S/2007/757). The threat of sanctions against that group should henceforth be accompanied by action;

(d) The Secretary-General stressed the difficulty of gaining access to conflict areas and requested the Government to facilitate dialogue with non-State groups and to make every effort to ensure the security of schools and hospitals.

35. The Permanent Representative of Sri Lanka presented the point of view of his Government. The Group then held an exchange of views and, following the discussion, the experts were given the task of negotiating draft conclusions of the Group that would provide concrete follow-up to the Secretary-General's report.

36. The main elements of the statement made by the representative of the State concerned and of the exchange of views among the members of the Group will be reflected in the summary contained in the conclusions to be formally adopted by the Working Group at its next meeting, to be held early in July 2008.

14th meeting

37. At its 14th meeting, on 8 May 2008, the Working Group discussed the report of the Secretary-General on children and armed conflict in the Philippines (S/2008/272).

38. The Special Representative of the Secretary-General introduced the Secretary-General's report on children and armed conflict in the Philippines and recalled its main conclusions:

(a) That first report on the Philippines highlighted the recruitment and use of children by the Moro Islamic Liberation Front, the New People's Army and the Abu Sayyaf Group. Children had also been killed or injured in the conflict;

(b) The Government of the Philippines had demonstrated its positive engagement by agreeing to the establishment of a monitoring and reporting mechanism, inviting the Special Representative of the Secretary-General to visit the country in 2008 and setting up exemplary legal and political structures to improve child protection. However, more remained to be done to ensure practical implementation by all stakeholders and to strengthen dialogue with armed groups with a view to securing the rapid and unconditional release of children.

39. The Permanent Representative of the Philippines presented the point of view of his Government. The Group then held an exchange of views and, following the discussion, the experts were given the task of negotiating draft conclusions of the Group that would provide concrete follow-up to the Secretary-General's report.

40. The main elements of the statement made by the representative of the State concerned and of the exchange of views among the members of the Group will be reflected in the summary contained in the conclusions to be formally adopted by the Working Group at its next meeting, to be held early in July 2008.

41. Also at its 14th meeting, the Working Group adopted an indicative programme of work for the period from May 2008 to April 2009 and agreed to review that programme in December 2008. The programme organizes the Group's workload for the period up until the submission of the next report of the Secretary-General on children and armed conflict (May 2009) and allows both the Secretary-General and the members of the Group to decide when a given situation should be considered and to plan accordingly. It can also serve as a basis for providing advance notice to the Permanent Missions of the countries concerned when the Working Group is

about to consider a report of the Secretary-General on a situation that concerns them directly.

42. The Director of the Programme Division of UNICEF, Nicholas K. Alipui, then presented the Secretary-General's "horizontal note", placing particular emphasis on the situation of children in Burundi, Sri Lanka and the occupied Palestinian territories:

(a) In Burundi, despite the deterioration in the security situation, 232 children recruited by armed groups had been released after eight months of efforts on the part of the Government, civil society and United Nations agencies;

(b) In Sri Lanka, the security situation was a cause for concern, but 39 children had been released by TMVP in April 2007;

(c) In the occupied Palestinian territories and Israel, the number of children killed or injured had increased in the first quarter of 2008 owing to an upsurge in violence between the parties to the conflict. In addition, schools were being affected more often by the conflict.

43. The Special Representative of the Secretary-General briefed the Working Group about her visit to Iraq, from 20 to 25 April 2008. She noted that many children were no longer going to school, that many had been recruited into various armed groups for violent activities, that some children had been detained in custody allegedly for violent activities, that they lacked access to the most basic services, that humanitarian access was limited in many parts of the country, and that an increasing number of cases of gender-based violence were also being reported.

15th meeting

44. At its 15th meeting, on 20 June 2008, the Working Group discussed the report of the Secretary-General on children and armed conflict in Nepal (S/2008/259).

45. The Special Representative introduced the Secretary-General's report on children and armed conflict in Nepal and recalled its main conclusions:

(a) That second report on the situation in Nepal (the first had been issued as document S/2006/1007) highlighted the significant decrease in the number of violations of children's rights since the signing of the ceasefire agreement and the transition to an elected Government. However, the parties to the peace process should take the necessary measures for the release and reintegration of the hundreds of children identified in cantonments;

(b) Children were being used with increasing frequency by armed groups in the Terai region;

(c) The process of incorporating the international treaties ratified by Nepal into domestic law had been delayed and the draft law for the establishment of the Truth and Reconciliation Commission was flawed, as it did not make any special provision for children and included provisions on amnesty for perpetrators of human rights violations and violations of international humanitarian law.

46. The Permanent Representative of Nepal presented the point of view of his Government. The Group then held an exchange of views and, following the discussion, the experts were given the task of negotiating draft conclusions of the Group that would provide concrete follow-up to the Secretary-General's report.

47. The main elements of the statement made by the representative of the State concerned and of the exchange of views among the members of the Group will be reflected in the summary contained in the conclusions to be adopted by the Working Group.

48. Also at its 15th meeting, the Group discussed the report of the Secretary-General on children and armed conflict in Somalia (S/2008/352). The Special Representative introduced the Secretary-General's report and recalled its main conclusions:

(a) There had been a significant increase in violence owing to the absence of the rule of law and easy access to weapons, with devastating consequences for civilians, especially children;

(b) The recruitment and use of children by all the parties to the conflict remained very widespread, and the number of rapes and other acts of sexual violence against children had increased; the Secretary-General recommended that the perpetrators of those violations be prosecuted and sentenced;

(c) Lastly, the Secretary-General urged the Transitional Federal Government to engage in a genuine reconciliation process with all factions. That process should include specific child protection and rehabilitation measures to create conditions for security and stability.

49. The Permanent Representative of Somalia presented the point of view of his Government. The Group then held an exchange of views and, following the discussion, the experts were given the task of negotiating draft conclusions of the Group that would provide concrete follow-up to the Secretary-General's report.

50. The main elements of the statement made by the representative of the State concerned and of the exchange of views among the members of the Group will be reflected in the summary contained in the conclusions to be adopted by the Working Group.

51. Ms. Landgren then presented the Secretary-General's "horizontal note", placing particular emphasis on the situation of children in Afghanistan, Chad and the Sudan:

(a) In Afghanistan, the conflict continued to have a serious impact on children, who were being killed or maimed as a result of suicide attacks, air strikes, landmines and explosive remnants of war, recruited by anti-Government elements and detained by judicial authorities because of their alleged association with such elements; moreover, they were victims of attacks on schools and of denial of humanitarian access. A monitoring and reporting mechanism was being established in that difficult security environment;

(b) In Chad, the political and security situation remained fragile; children in conflict areas were victims of killings, maimings, continued recruitment and sexual violence, and humanitarian access was still difficult;

(c) In the Sudan, although there were ongoing violations of children's rights, some progress had been made as a result of the agreement reached between the disarmament, demobilization and reintegration commissions in the northern and southern parts of the country for the tracing and reintegration of children. On 14 May 2008, 88 children between the ages of 12 and 17 had been released by the Sudan People's Liberation Army.

52. At the same meeting, with respect to the issue of the Group's working methods, a consensus was reached on the content of the letter to be addressed, in accordance with the decision taken at the Working Group's 12th meeting, to the Chairman of the Security Council Informal Working Group on Documentation and Other Procedural Questions. That letter, which had been discussed intensively by the experts, included three annexes: a general summary of the informal meeting of experts held on 25 January 2008, "guidelines" regarding the Group's working methods and a list of questions concerning, inter alia, the practice of the Security Council and its other subsidiary bodies.

53. Lastly, the Working Group reached agreement on a procedural issue concerning modalities for the transmission of letters to be sent in implementation of the various conclusions adopted by the Working Group. It was decided that all letters to the Secretary-General and to the Governments of the States concerned would henceforth be addressed to them by the Chairman of the Working Group and transmitted with a cover letter from the President of the Security Council. Once that procedural issue had been settled, it was agreed that the draft conclusions on children and armed conflict in Myanmar, Sri Lanka and the Philippines would be formally adopted at a meeting to be held early in July 2008.

III. Final observations

54. The increase in the Working Group's activities over the preceding period was not reversed; the Working Group considered the situation of children in 10 conflict situations on the basis of reports of the Secretary-General produced in the context of the monitoring and reporting mechanism provided for in Security Council resolution 1612 (2005). That trend is likely to continue, as the contacts between the Secretariat, the Chairman of the Working Group and the countries concerned have made it possible to prepare for or carry out the establishment of the monitoring and reporting mechanism provided for in resolution 1612 (2005) in all the conflict situations referred to in the annexes to the Secretary-General's most recent report on children and armed conflict (A/62/609-S/2007/757) and to include these situations in the Group's programme of work for the period from May 2008 to April 2009.

55. The Working Group pursued its efforts to engage in dialogue with the countries concerned, all of which participated in the Group's consideration of their situation and made comments upon the adoption of conclusions concerning them, despite the difficulties often encountered in providing the relevant documents to those countries within a reasonable time frame. The Group also made further efforts to enhance the transparency of its work by continuing to include in its conclusions a general summary of the discussions held at its formal meetings.

56. Once the Group has formally adopted its conclusions on Myanmar, Sri Lanka and the Philippines, it will have completed the adoption of substantive conclusions on all the situations on its programme of work for 2007 and adopted the first conclusions on a situation on its programme of work for the period from May 2008 to April 2009. The Working Group currently tends to adopt conclusions containing more detailed recommendations addressed to the various stakeholders with the aim of providing them with more operational tools, thereby helping to bring about tangible — and, if possible, faster — improvements in the situation of children in the various armed conflicts brought to its attention. The Working Group seeks to

ensure that its recommendations take due account of all the violations reported to it in the Secretary-General's reports.

57. The development of the Secretariat of the monitoring tool known as the "horizontal note" submitted periodically to the Working Group, the mission reports of the Special Representative of the Secretary-General for Children and Armed Conflict and the Group's practice of taking up for a second time certain situations that it has already considered and on which it has adopted an initial set of conclusions have enhanced its ability to gauge the progress made and identify areas in which new actions and recommendations are needed. Although the results are still uneven, it may be noted with satisfaction that varying degrees of progress have been made in a number of situations considered by the Working Group, such as the implementation of action plans, the initiation or resumption of discussions on the action plans between certain armed groups and United Nations task forces, the release of children, the decrease in recruitment, the establishment of focal points in Government administrations and the provision of services to children in the appropriate disarmament, demobilization and reintegration programmes.

58. While all these developments are positive, they have naturally entailed a significant excess workload for the Group that may have adversely affected the organization of its activities and prevented it from monitoring the implementation of its conclusions more methodically. It should be noted in this regard that one of the points on which the Working Group experts seemed to agree in their discussions on working methods is the need, in future, to provide the Working Group with more logistical support, particularly Secretariat services in such areas as the preparation of summary records of formal meetings, the preparation of draft conclusions, internal and external document transmission and administrative follow-up of the measures contained in the Group's conclusions, as is done for some of the other subsidiary bodies of the Security Council. Of course, such support will be all the more necessary should the Security Council decide, as the Secretary-General has proposed in his two most recent reports on children and armed conflict, to mandate the Working Group to consider situations of armed conflict involving the commission of violations against children other than the recruitment and use of children.

United Nations S/2008/456

Security Council

Distr.: General
14 July 2008

Original: English

Letter dated 10 July from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to my mission of good offices and the United Nations Peacekeeping Force in Cyprus (UNFICYP).

You will recall that on 9 April 2008, I informed the Council of my intention to appoint Taye-Brook Zerihoun as my Special Representative and Head of UNFICYP for a period of one year. The appointment was effective from 1 May 2008.

In its resolution 1818 (2008), the Security Council welcomed my intention to appoint a Special Adviser on Cyprus at the appropriate time. Following the usual consultations, I wish to inform you that I intend to designate Alexander Downer (Australia) as my Special Adviser on Cyprus as from 14 July 2008, with the rank of Under-Secretary-General.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

08-42251 (E) 150708

United Nations S/2008/457

Security Council

Distr.: General
14 July 2008

Original: English

Letter dated 14 July 2008 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 10 July 2008 (S/2008/456) concerning your intention to designate Alexander Downer (Australia) as your Special Adviser on Cyprus has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) **Le** Luong Ming
President of the Security Council

08-42245 (E) 150708